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FEDERAL REGISTER

VOLUME 29 NUMBER 163

Washington, Thursday, August 20, 1964

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Proclamation 3607

SEE THE UNITED STATES IN 1964 AND 1965

By the President of the United States of America

A Proclamation

WHEREAS the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico contain many sites of historic significance and scenic grandeur; and

WHEREAS an appreciation for and understanding of this country is heightened by a keener awareness of its historic places and remarkable beauties; and

WHEREAS the Federal Government and the States have developed vast areas of recreational facilities to serve our people; and

WHEREAS the Congress, by a joint resolution approved August 11, 1964, has requested the President to issue a proclamation designating the years 1964 and 1965 as a period to see the United States:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the years 1964 and 1965 as a period in which all persons are especially invited to see the United States. I urge our own citizens, and all other people, to visit our historic shrines and our natural wonders during this period, and to explore and enjoy our great recreational areas and facilities.

I invite private industry and interested private organizations during this period to encourage both American citizens and citizens of other countries to explore, use, and enjoy the scenic, historical, and recreational areas and facilities throughout the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of August in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-8490; Filed, Aug. 18, 1964; 2:16 p.m.]

Executive Order 11168

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Eleven Cooperating Railway Labor Organizations, labor organizations, designated in List B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 18, 1964.

LIST A

EASTERN RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad
Ann Arbor Railroad Company
Baltimore and Ohio Railroad Company
  Baltimore & Ohio Chicago Terminal Railroad Company
  Staten Island Rapid Transit Railway Company
  Strouds Creek and Muddelty Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Railroad
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Bush Terminal
Canadian National Railways
  Lines in the United States
    St. Lawrence Region
    Great Lakes Region
Canadian Pacific Railway Company
Central Railroad Company of New Jersey
  New York & Long Branch Railroad Company
Central Vermont Railway
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad Company
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh and Hudson River Railway Company
Lehigh Valley Railroad
Long Island Rail Road Company
Maine Central Railroad Company
  Portland Terminal Company
Monon Railroad
Monongahela Railway Company

Montour Railroad Company
Youngstown & Southern Railway Company
New York Central System
New York Central Railroad Company
New York District
Grand Central Terminal
Eastern District
Boston & Albany Division
Western District
Northern District
Southern District
Indiana Harbor Belt Railroad Company
Chicago River & Indiana Railroad Company
Pittsburgh & Lake Erie Railroad Company
Lake Erie & Eastern Railroad Company
Cleveland Union Terminals Company
Troy Union Railroad Company
New York, Chicago & St. Louis Railroad Company
New York Dock Railway
*New York, New Haven & Hartford Railroad Company
*The Boston Terminal Corporation
Union Freight Railroad (Boston)
New York Connecting Railroad
New York, Susquehanna & Western Railroad
Pennsylvania Railroad Company
Baltimore & Eastern Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Pittsburgh, Chartiers & Youghiogheny Railway Company
Railroad Perishable Inspection Agency
Reading Company
Philadelphia, Reading & Potts. Telegraph Company
River Terminal Railway
Toledo Terminal Railroad Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
Gulf, Colorado and Santa Fe Railway
Panhandle and Santa Fe Railway
Bauxite and Northern Railway
Belt Railway Company of Chicago
Butte, Anaconda and Pacific Railway
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and Illinois Western Railroad
Chicago & North Western Railway
(including the former C.St.P.M.&O., M.&St. L., L.&M., M.I. and Railway Transfer Company of the City of Minneapolis.)
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago Produce Terminal Company
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman and Southern Railroad
Colorado and Southern Railway
Colorado and Wyoming Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
Duluth, Missabe and Iron Range Railway
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet and Eastern Railway
El Paso Union Passenger Depot Company
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
Kewaunee, Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of the C.R.I.&P. Railroad and Fort Worth & Denver Railway
Joplin Union Depot Company
Kansas City Southern Railway
Arkansas Western Railway
Kansas City, Shreveport & Gulf Terminal Company

*In trusteeship. Any commitment subject to court approval.

Kansas City Terminal Railway
Kansas, Oklahoma & Gulf Railway
  Midland Valley Railroad
  Oklahoma City-Ada-Atoka Railway
King Street Passenger Station (Seattle)
Lake Superior & Ishpeming Railroad
Lake Superior Terminal & Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Minneapolis, Northfield & Southern Railway
Minnesota and Manitoba Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad Company
  Beaver, Meade and Englewood Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
Oklahoma City Stock Yards Agency
Oregon, California & Eastern Railway Company
Pacific Coast Railroad Company
Paducah and Illinois Railroad
Peabody Short Line Railroad
Peoria and Pekin Union Railway Company
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego & Arizona Eastern Railway
Sioux City Terminal Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company (Texas and Louisiana Lines)
Spokane International Railroad
Spokane, Portland and Seattle Railway
  Oregon Trunk Railway
  Oregon Electric Railway
Stock Yards District Agency
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Weatherford, Mineral Wells and Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal
  Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad
Walla Walla Valley Railroad
Western Pacific Railroad
Western Weighing and Inspection Bureau
Wichita Terminal Association
Wichita Union Terminal Railway
Yakima Valley Transportation Company

SOUTHEASTERN RAILROADS

Atlanta & West Point Railroad
  Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad
Chesapeake & Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile & Ohio Railroad
Jacksonville Terminal
Kentucky & Indiana Terminal Railway
Louisville & Nashville Railroad
Norfolk & Portsmouth Belt Line
Norfolk Southern Railway
Norfolk & Western Railway
Richmond, Fredericksburg & Potomac Railroad
Seaboard Air Line Railway

LIST B

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood of Railway Carmen of America
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse & Railway Shop Laborers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express & Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen
Hotel & Restaurant Employes & Bartenders' International Union

[F.R. Doc. 64-8498; Filed, Aug. 18, 1964; 4:25 p.m.]

Executive Order 11169

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Six Cooperating Railway Labor Organizations functioning through the Railway Employes' Department, AFL–CIO, labor organizations, designated in the List B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 18, 1964.

LIST A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad Company
Ann Arbor Railroad Company
Baltimore and Ohio Railroad Company
  Baltimore & Ohio Chicago Terminal Railroad Company
  Staten Island Rapid Transit Railway Company
  Strouds Creek and Muddlety Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Railroad
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Canadian National Railways Lines in the United States
  Great Lakes Region
Canadian Pacific Railway Company
Central Railroad Company of New Jersey
Central Vermont Railway
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad Company
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh and Hudson River Railway Company
Lehigh Valley Railroad
Long Island Rail Road Company
Maine Central Railroad Company
  Portland Terminal Company
Menon Railroad
Monongahela Railway Company
Montour Railroad Company

NEW YORK CENTRAL SYSTEM
New York Central Railroad Company
New York District
Grand Central Terminal
Eastern District
Boston & Albany Division
Western District
Northern District
Southern District
Indiana Harbor Belt Railroad Company
Chicago River & Indiana Railroad Company
Pittsburgh & Lake Erie Railroad Company
Lake Erie & Eastern Railroad Company
Cleveland Union Terminals Company
New York, Chicago & St. Louis Railroad Company
New York Dock Railway
*New York, New Haven & Hartford Railroad Company
New York, Susquehanna & Western Railroad
Pennsylvania Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Reading Company
Philadelphia, Reading & Potts. Teleg. Company
Toledo Terminal Railroad Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
Gulf, Colorado and Santa Fe Railway
Panhandle and Santa Fe Railway
Belt Railway Company of Chicago
Butte, Anaconda and Pacific Railway
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway Company
Chicago and North Western Railway
(Including the former CStP&MO, M&StL, L&M, MI and Railway Transfer Company of the City of Minneapolis)
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman and Southern Railroad
Colorado and Southern Railway
Colorado and Wyoming Railway
Denver and Rio Grande Western Railroad
Des Moines Union Railway
Duluth, Misabe and Iron Range Railway
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet and Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of the CRI&P Railroad and FtW&D Railway
Kansas City Southern Railway
Kansas City Terminal Railway
Kansas, Oklahoma & Gulf Railway
Midland Valley Railroad
Lake Superior & Ishpeming Railroad
Lake Superior Terminal & Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Minneapolis, Northfield & Southern Railway
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad
Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company

*In trusteeship. Any commitment subject to court approval.

Peoria and Pekin Union Railway Company
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego & Arizona Eastern Railway
Sioux City Terminal Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company (Texas and Louisiana Lines)
Spokane, Portland and Seattle Railway
  Oregon Trunk Railway
  Oregon Electric Railway
Terminal Railroad Association of St. Louis
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Weatherford, Mineral Wells and Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad
Western Pacific Railroad
Wichita Terminal Association

SOUTHEASTERN RAILROADS

Atlanta & West Point-Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad
Chesapeake & Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf Mobile & Ohio Railroad
Jacksonville Terminal
Kentucky & Indiana Terminal
Louisville & Nashville Railroad
Norfolk & Portsmouth Belt Line
Norfolk Southern Railway
Norfolk & Western Railway
Richmond Fredericksburg & Potomac Railroad
Seaboard Air Line Railway

LIST B

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood Railway Carmen of America
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers

[F.R. Doc. 64-8499; Filed, Aug. 18, 1964; 4:25 p.m.]

Executive Order 11170

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part thereof, and certain of their employees represented by the Five Cooperating Railway Labor Organizations, labor organizations, designated in List B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 18, 1964.

LIST A

EASTERN RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad
Ann Arbor Railroad Company
Baltimore and Ohio Railroad Company
  Baltimore & Ohio Chicago Terminal Railroad Company
  Staten Island Rapid Transit Railway Company
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Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Railroad
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Bush Terminal
Canadian National Railways
  Lines in the United States
    St. Lawrence Region
    Great Lakes Region
Canadian Pacific Railway Company
Central Railroad Company of New Jersey
  New York & Long Branch Railroad Company
Central Vermont Railway
Chicago Union Station Company
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware and Hudson Railroad Corporation
Detroit and Toledo Shore Line Railroad Company
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh and Hudson River Railway Company
Lehigh Valley Railroad
Long Island Rail Road Company
Maine Central Railroad Company
  Portland Terminal Company
Monon Railroad
Monongahela Railway Company

Montour Railroad Company
Youngstown & Southern Railway Company
New York Central System
New York Central Railroad Company
New York District
Grand Central Terminal
Eastern District
Boston & Albany Division
Western District
Northern District
Southern District
Indiana Harbor Belt Railroad Company
Chicago River & Indiana Railroad Company
Pittsburgh & Lake Erie Railroad Company
Lake Erie & Eastern Railroad Company
Cleveland Union Terminals Company
Troy Union Railroad Company
New York, Chicago & St. Louis Railroad Company
New York Dock Railway
*New York, New Haven & Hartford Railroad Company
*The Boston Terminal Corporation
Union Freight Railroad (Boston)
New York Connecting Railroad
New York, Susquehanna & Western Railroad
Pennsylvania Railroad Company
Baltimore & Eastern Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Pittsburgh, Chartiers & Youghiogheny Railway Company
Railroad Perishable Inspection Agency
Reading Company
Philadelphia, Reading & Potts. Telegraph Company
River Terminal Railway
Toledo Terminal Railroad Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
Gulf, Colorado and Santa Fe Railway
Panhandle and Santa Fe Railway
Bauxite and Northern Railway
Belt Railway Company of Chicago
Butte, Anaconda and Pacific Railway
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and Illinois Western Railroad
Chicago & North Western Railway
(Including the former C.St.P.M.&O., M.&St. L., L.&M., M.I. and Railway Transfer Company of the City of Minneapolis.)
Chicago and Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago Produce Terminal Company
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman and Southern Railroad
Colorado and Southern Railway
Colorado and Wyoming Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
Duluth, Missabe and Iron Range Railway
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet and Eastern Railway
El Paso Union Passenger Depot Company
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Great Northern Railway
Green Bay and Western Railroad
Kewaunee, Green Bay and Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of the C.R.I. & P. Railroad and Fort Worth & Denver Railway
Joplin Union Depot Company

*In trusteeship. Any commitment subject to court approval.

Kansas City Southern Railway
Arkansas Western Railway
Kansas City, Shreveport & Gulf Terminal Company
Kansas City Terminal Railway
Kansas, Oklahoma & Gulf Railway
Midland Valley Railroad
Oklahoma City-Ada-Atoka Railway
King Street Passenger Station (Seattle)
Lake Superior & Ishpeming Railroad
Lake Superior Terminal & Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Minneapolis, Northfield & Southern Railway
Minnesota and Manitoba Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad Company
Beaver, Meade and Englewood Railroad
Missouri Pacific Railroad
Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
Oklahoma City Stock Yards Agency
Oregon, California & Eastern Railway Company
Pacific Coast Railroad Company
Paducah and Illinois Railroad
Peabody Short Line Railroad
Peoria and Pekin Union Railway Company
Port Terminal Railroad Association
Pueblo Joint Interchange Bureau
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego & Arizona Eastern Railway
Sioux City Terminal Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company (Texas and Louisiana Lines)
Spokane International Railroad
Spokane, Portland and Seattle Railway
Oregon Trunk Railway
Oregon Electric Railway
Stock Yards District Agency
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust
Texas and Pacific Railway
Abilene and Southern Railway
Fort Worth Belt Railway
Texas-New Mexico Railway
Weatherford, Mineral Wells and Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal
Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad
Walla Walla Valley Railroad
Western Pacific Railroad
Western Weighing and Inspection Bureau
Wichita Terminal Association
Wichita Union Terminal Railway
Yakima Valley Transportation Company

SOUTHEASTERN RAILROADS

Atlanta & West Point Railroad
Western Railway of Alabama
Atlanta Joint Terminals
Atlantic Coast Line Railroad
Chesapeake & Ohio Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile & Ohio Railroad
Jacksonville Terminal
Kentucky & Indiana Terminal Railway
Louisville & Nashville Railroad
Norfolk & Portsmouth Belt Line
Norfolk Southern Railway
Norfolk & Western Railway
Richmond, Fredericksburg & Potomac Railroad
Seaboard Air Line Railway

LIST B

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express & Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen
Hotel & Restaurant Employes & Bartenders' International Union

[F.R. Doc. 64-8500; Filed, Aug. 18, 1964; 4:25 p.m.]

Executive Order 11171

THE CANAL ZONE MERIT SYSTEM AND REGULATIONS RELATING TO CONDITIONS OF EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by Section 155 of Title 2 of the Canal Zone Code (76A Stat. 19), and as President of the United States, it is hereby ordered as follows:

SECTION 1. As used in this order:

(1) The term "subchapter III" shall mean subchapter III of Chapter 7 of Title 2 of the Canal Zone Code (76A Stat. 16–20).

(2) The terms "department," "position," "employee," and "continental United States" shall have the meanings ascribed to them in Section 141 of Title 2 of the Canal Zone Code.

(3) The term "competitive civil service" shall have the same meaning as the words "competitive service," "classified service," "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders.

SEC. 2. (a) Subject to the further provisions of this order, there is delegated to the Secretary of the Army the authority vested in the President by Sections 142 and 155 of Title 2 of the Canal Zone Code:

(1) To exclude any employee or position from any or all provisions of subchapter III.

(2) To extend to any employee, whether or not such employee is a citizen of the United States, the same rights and privileges as are provided by applicable laws and regulations for citizens of the United States employed in the competitive civil service of the Government of the United States.

(3) To coordinate the policies and activities of the respective departments under subchapter III.

(4) To promulgate such regulations as may be necessary and appropriate to carry out the provisions and accomplish the purposes of subchapter III.

(b) The Secretary of the Army may redelegate any of the authority delegated to him by subsection (a) of this section.

(c) In promulgating regulations pursuant to the authority delegated by this section (including regulations with respect to the matters covered by Sections 3 and 4 of this order), the Secretary of the Army shall give effect to the following-described policies:

(1) Employment standards, rates of basic compensation, availability of training facilities and programs shall be applied uniformly among all departments in the Canal Zone to all employees irrespective of whether they are citizens of the United States or of the Republic of Panama.

(2) Positions which are designated by the heads of agencies, under Section 147 of Title 2 of the Canal Zone Code, as those which for security reasons shall be filled by a citizen of the United States may include, but are not limited to, (i) those involving security of property, (ii) those involving access to defense information classified pursuant to Executive Order No. 10501 of November 5, 1953, as amended, (iii) those which require the use of United States citizens to insure continuity and capability of operation and administration of activities in the Canal Zone by the United States Government. Nothing in this order shall be deemed to modify or supersede any provision of either Executive Order No. 10501 of November 5, 1953, as amended, or Executive Order No. 10450 of April 25, 1953.

(3) Exclusions of employees or positions from any or all provisions of subchapter III and the extension of rights and privileges to employees, as provided in Section 142(b) of Title 2 of the Canal Zone Code, shall be made only in accordance with regulations issued under this order. Such regulations shall provide for excluding employees or positions from the Canal Zone Merit System only for reasons for which exclusions or exceptions are made from the competitive civil service.

(d) Prior to the promulgation of regulations under this order, the Secretary of the Army shall consult with the Department of the Navy, the Department of the Air Force, other components of the Department of Defense having employees in the Canal Zone, the Panama Canal Company, the Canal Zone Government, the Civil Service Commission, and such other agencies having employees in the Canal Zone as he may determine.

SEC. 3. (a) There is established, as provided for in Section 149 of Title 2 of the Canal Zone Code, a Canal Zone Merit System of selection for appointment, reappointment, reinstatement, re-employment, and retention with respect to positions, employees, and individuals under consideration for appointment to positions. In accordance with the provisions of Section 149, the Canal Zone Merit System shall—

(1) be based solely on the merit of the employee or individual and upon his qualifications and fitness to hold the position concerned;

(2) apply uniformly within and among all departments, positions, employees, and individuals concerned;

(3) conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended and supplemented; and

(4) include provision for appropriate interchange of citizens of the United States employed by the Government of the United States between such merit system and the competitive civil service of the Government of the United States. Provisions for interchange which involve movement from the Canal Zone Merit System to the competitive civil service of the Government of the United States shall be subject to the concurrence of the Civil Service Commission.

(b) Regulations promulgated under this order with respect to the Canal Zone Merit System shall be issued only after advice has been received from the Civil Service Commission that such regulations conform generally to policies, principles, and standards established by or in accordance with the Civil Service Act of January 16, 1883, as amended and supplemented.

(c) The Civil Service Commission is directed to make periodic review of the operations of the Canal Zone Merit System for conformity with the requirements of subchapter III, this order, and regulations promulgated under Section 2 thereof, and shall report its findings to the Secretary of the Army.

SEC. 4. (a) There is established, as provided for in Section 152 of Title 2 of the Canal Zone Code, a Canal Zone Board of Appeals to review and determine the appeals of employees. The Board shall consist of five members, all of whom shall be civilians appointed by the Secretary of the Army (and one of whom shall be designated by him as chairman), as follows:

(1) One member shall be nominated by the Civil Service Commission.

(2) Two members shall be selected from among employees of the United States Government agencies in the Canal Zone and shall be appointed only after consultation with and advice from organizations representing such employees.

(3) Two members shall be selected by the Secretary of the Army.

(b) For each member of the Board, the Secretary of the Army shall appoint an alternate member, who shall be a civilian nominated or selected in the same manner as the Board member for whom he is an alternate. An alternate member shall serve on the Board whenever, for any reason, the member for whom he is an alternate is unable to serve.

(c) Decisions of the Board shall be made by majority vote of the members.

SEC. 5. (a) Existing rules and regulations issued, and other actions taken, pursuant to Executive Order No. 10794 of December 10, 1958, and in effect immediately prior to the issuance of this order, shall remain in effect under the comparable provisions of this order until they are superseded in accordance with provisions of this order or until they expire by their own terms.

(b) Executive Order No. 10794 of December 10, 1958, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 18, 1964.

[F.R. Doc. 64-8505; Filed, Aug. 18, 1964; 4:49 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $6.60 per man-hour per employee. A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each period of unscheduled overtime or holiday work to which the two hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective August 18, 1964, when it shall supersede 7 CFR 354.1, effective January 5, 1964.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $6.40 to $6.60 commensurate with salary increases provided in Title 1 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426).

Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thirty days after publication.

Done at Washington, D.C., this 17th day of August 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-8450; Filed, Aug. 18, 1964; 1:00 p.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—Rice Marketing Quota Regulations For 1964 and Subsequent Crop Years

On pages 8482 through 8494 of the FEDERAL REGISTER of July 7, 1964, was published a notice of proposed rule making to issue marketing quota regulations for 1964 and subsequent crop years.

After consideration of views and recommendations received, the proposed regulations, as submitted, are adopted with the following changes:

1. The paragraph designation and title thereof in § 730.1551, Basis and Purpose, are deleted.
2. Section 730.1554 is rewritten for clarification.
3. Various incorrect references to marketing quota forms are corrected, and necessary corrections are made in the table of contents.
4. That part of the definition of "rice acreage" in § 730.1552 (v) providing that a second planting and maturing of rice on a farm on which one crop has been planted and has matured shall be included as additional rice acreage is made effective beginning with the 1965 crop.
5. An effective date provision is added.

Signed at Washington, D.C., on August 17, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

GENERAL

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

MARKETING CARDS AND MARKETING CERTIFICATES

IDENTIFICATION OF RICE

PENALTY

AUTHORITY: The provisions of this subpart issued under sec. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; sec. 106, 70 Stat, 191; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376, 1824.

GENERAL

§ 730.1551 Basis and purpose.

The regulations contained in §§ 730.1551 to 730.1596 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1964 and subsequent crops of rice: The establishment of farm normal yields; the final dates for the disposal of excess acreage; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by underplanting the allotment or producing a less than normal crop in a subsequent year, or by delivery to the Secretary of Agriculture; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated rice is three acres or less, rice produced by publicly-owned experiment stations, and rice planted for wildlife feed.

§ 730.1552 Definitions

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires. The following words or phrases are defined in Part 719 of this chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages, and amendments thereto, and shall have the meaning assigned to them by such regulations: Community committee, county committee, county office manager, Department, Deputy Administrator, farm, landlord, OGC representative, owner, person, representative of the State committee, Secretary, sharecropper, State committee, State executive director and tenant. The phrase, expiration of time limitations, is defined in Part 720 of this chapter, General Policy and Interpretations, and shall have the meaning assigned to it therein.

(a) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(b) "Actual production" of any number of acres of rice on a farm means the actual average yield per acre for the farm times such number of acres.

(c) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm by the rice acreage on the farm.

(d) "Administrator" means the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "Buyer" means a person who buys rice.

(f) "County office" means the office of the Agricultural Stabilization and Conservation County committee.

(g) "Crop year" means the calendar year in which the rice crop is produced.

(h) "Director" means the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(i) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(j) "Farm allotment" means the rice acreage allotment established for the farm in accordance with applicable regulations.

(k) "Farm marketing excess" means the amount of rice determined for any farm under § 730.1558 or § 730.1561, whichever is applicable.

(l) "Farm marketing quota" means the rice marketing quota established for the farm under § 730.1557.

(m) "Intermediate buyer" means any buyer or transferee who purchases or acquires rice before it has been marketed to a warehouseman, mill operator, processor, or other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(n) "Market" means to dispose of rice in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift.

(1) The terms "marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(2) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange or gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(3) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any commodity, service or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(4) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(o) "Marketing year" means the period beginning August 1 and ending July 31 of the following year, both dates inclusive.

(p) "Normal production" of any number of acres of rice on a farm means the normal yield of rice for the farm times such number of acres.

(q) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.1554.

(r) "Penalty" means the penalty referred to in § 730.1573.

(s) "Producer" means any person who shares in a rice crop at the time of harvest, or is entitled to share in a crop of rice available for marketing, or in the proceeds thereof.

(t) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the Act.

(u) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(v) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of nonirrigated rice produced on any farm on which such acreage is three acres or less, (2) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land, if such acreage is not harvested, but is left on the land for wildlife feed, (5) any acreage planted to rice in excess of the farm allotment, or, when applicable, the permitted acreage of rice under a conservation reserve contract under the soil bank program, which is disposed of as provided in § 730.1555, and (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence

or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means, provided the seeding operations have been performed with an end gate seeder or by airplane. Effective with the 1965 and subsequent crops, a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

(w) "State office" means the office of the Agricultural Stabilization and Conservation State Committee.

(x) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange, or gift.

§ 730.1553 Instructions and forms.

The Deputy Administrator shall cause to be prepared and issued such instructions with respect to internal management and such forms as are necessary for carrying out the regulations in this part.

§ 730.1554 Normal yields.

(a) *Farms for which normal yields will be determined.* The county committee shall determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which a request is made to the county committee by the operator, either prior to or after seeding, and for each farm as required for the purposes of the provisions of §730.1581 (h) and (i). Determination of farm normal yield shall be documented and such determination, subject to review and revision, shall be approved by the State committee, or by the State executive director, program specialist, or farmer fieldman. No notice of a farm nomal yield shall be mailed to a producer until the yield has been approved as provided in this paragraph.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per harvested acre for all of the five calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions, other uncontrollable natural causes, and for trends in yields, as provided in paragraphs (c) and (d) of this section.

(c) *Adjustments for abnormal weather conditions and other uncontrollable natural causes.* If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield determined under paragraph (b) of this section for any year of such 5-year period is less than 75 percentum of the average, 75 percentum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 percentum of the average, 125 percentum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

(d) *Adjustments for trends in yields.* If the average of the yields, adjusted as provided in paragraph (c) of this section if applicable, determined for the two years immediately preceding the calendar year for which the farm normal yield is determined is more than the adjusted five year average, the farm normal yield shall be the average of the adjusted five year average and the average of the yields determined for the two years immediately preceding the calendar year for which the farm normal yield is determined.

(e) *Appraised yields.* If for any year for such 5-year period data are not available or there was no actual yield, then the normal yield (per harvested acre of rice) for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions during such 5-year period, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

§ 730.1555 Final dates for disposal of excess acreage.

The final dates for the disposal of excess rice acreage are considered to be not later than 30 days prior to the date rice harvest normally begins in the county or State. The dates for each crop year in each county or area of a county by which excess rice must be destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) so that rice cannot be harvested therefrom, unless extended as provided in Part 718 of this chapter, Determination of Acreage and Compliance, are as follows:

Arkansas	August 1.
California	September 1.
Florida	October 15.
Illinois	September 15.
Louisiana	August 1.
Mississippi	August 15.
Missouri	August 15.
North Carolina	August 31.
Oklahoma	August 15.
South Carolina:	
All counties for rice planted on or about March 15, August 1.	
All counties for rice planted on or about May 15, September 15.	
All counties for rice planted on or about June 15, October 15.	
Tennessee	August 31.
Texas:	
All counties except Bowie, July 15.	
Bowie County, September 1.	

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.1556 Marketing quotas in effect.

Marketing quotas when effective with respect to a particular crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.1557 Farm marketing quota.

The farm marketing quota for any farm for any crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.1558 Farm marketing excess.

The farm marketing excess for any crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm allotment therefor: *Provided,* That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production as provided in § 730.1561. The farm allotment used for the purpose of determining the farm marketing excess pursuant to this section shall be the farm allotment for the farm as revised pursuant to § 730.1521(e) or any other provision of the regulations in this subpart.

§ 730.1559 Notice of farm marketing excess.

Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the county office and upon request a copy thereof shall be furnished without charge to any person who is interested in the rice produced on the farm for which the notice is given. Each notice shall be on a Form MQ-93—Rice and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 730.1560 Farms for which proper notice of the farm marketing quota and farm marketing excess of rice was not issued.

Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of rice established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make applica-

tion for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 730.1559, 730.1561, 730.1581, and 730.1582, the producer shall be so notified by the county committee on Form MQ–93—Rice and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 730.1561, 730.1581, and 730.1582. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ–93—Rice with a copy of the determination of the county committee as provided in § 730.1561(b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 730.1561 Farm marketing excess adjustment.

(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the rice produced on any farm for which there is an excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.1560, apply in writing to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced on the farm in the applicable crop year, or (ii) apply in writing to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of rice on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be determined by the Administrator. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.1560 or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for any farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. A record of each application so made and the date thereof shall be maintained in the county office. The county committee shall establish a time and a place at which each application will be considered and the applicant shall be notified of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established date on which rice harvest is normally substantially completed has been determined as aforesaid in rice-producing counties to be as follows:

Arkansas	November 15.
California	November 30.
Florida	November 30.
Illinois	October 15.
Louisiana	November 1.
Mississippi	October 31.
Missouri	October 1.
North Carolina	November 1.
Oklahoma	November 15.
South Carolina	November 1.
Tennessee	November 1.
Texas	October 20.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, sales, and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In determining actual production, the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as rice acreage, unless the county committee determines that no rice could be harvested in any manner from the unharvested excess acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice on Form MQ–93–Rice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess, subject to review and revision, shall be approved by the State committee or by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved as provided in this subparagraph.

(c) *Adjustment where no rice is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no rice has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 730.1562 Reports of farm marketing excess.

There shall be filed with the State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, (g) the farm normal yield, and (h) the farm marketing excess in pounds.

§ 730.1563 Publication of the farm allotments, marketing quotas, and marketing excesses.

A record of the farm allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the county office.

§ 730.1564 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.1565 Successors in interest.

Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm market-

ing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the rice. If a successor in interest should acquire from a deceased producer rice subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the rice penalty free until the penalty has been satisfied.

§ 730.1566 Review of quotas.

Any producer who is dissatisfied with the farm allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas, may apply in writing for a review by a review committee of such determination in connection therewith. Application for review and the review committee proceedings shall be in accordance with Part 711 of this chapter, Marketing Quota Review Regulations.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.1567 Issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* (1) The operator and each other producer having an interest in the rice crop on a farm shall be eligible to receive a marketing card (MQ–76—Rice) for the applicable year if (i) no farm marketing excess is determined for the farm, (ii) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.1576 or § 730.1577, (iii) the farm marketing excess is stored, as provided in § 730.1581, or (iv) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.1582. A marketing card shall not be issued until the report of acreage has been signed by the farm operator or his representative. Marketing cards will be delivered to producers at the county office, except that if the county office manager determines that it would facilitate the administration of the act, and he has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto.

(2) Each marketing card shall be serially numbered and shall show the serial number of the farm, the name and address of the farm operator and other interested producer, where applicable, the name and address of the county office and the actual or facsimile signature of the county office manager. The facsimile signature provided for herein may be affixed by a county office employee. If the State committee determines that it would not adversely affect the administration of the act, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (i) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, (ii) the farm serial numbers of all such farms are entered on the marketing card, and (iii) the producer has not received a marketing certificate pursuant to the provisions of § 730.1576(c) on any such farm. If only one card is issued to a multiple producer under this paragraph, the name and address of the operator of each farm need not be entered on the card unless the operator is the producer to whom the card is issued. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the State committee determines that the procedure would not adversely affect the administration of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(b) *Producers ineligible to receive marketing cards.* The producers on a farm shall be ineligible to receive marketing cards if: (1) Any producer on the farm owes any penalty for excess rice for the current or any preceding crop year, (2) determination of the rice acreage has not been made and has been prevented by any producer on the farm, or (3) the farm marketing excess determined under § 730.1558 is adjusted under § 730.1561. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess rice in accordance with applicable regulations.

(c) *Eligibility of multiple farm producers to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraphs (a) and (b) of this section, he is eligible to receive a marketing card for each of such farms. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be eligible to receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer to receive a marketing card.

(d) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify or market any rice which was not produced on the farm the serial number of which appears on the marketing card.

(e) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act. A marketing certificate may be issued in such cases for any proved production.

§ 730.1568 Issuance of marketing certificates.

(a) *Producers to whom marketing certificates may be issued.* The county office manager shall upon request issue a marketing certificate, Form MQ–94—Rice, to any producer who (1) is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail or by any means or method other than directly to and in the presence of the buyer or transferee; (2) has availed himself of the provisions of § 730.1576(c); (3) is ineligible to receive a marketing card solely because of penalties owed by him or by any produced on the farm for excess rice for any preceding crop year; (4) is ineligible to receive a marketing card solely because of excess rice produced on another farm as provided in § 730.1567(c); (5) is ineligible to receive a marketing card because the farm marketing excess determined under § 730.1558 was adjusted under § 730.1561; (6) has eligible rice produced in a prior year but who is ineligible to receive a marketing card for the current crop year; (7) is ineligible to receive a marketing card under § 730.1567(e); or (8) is a responsible executive officer of a publicly-owned agricultural experiment station entitled to market experimental rice only which was produced in excess of the allotment on an experimental farm.

(b) *Completion of marketing certificate.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county, and the serial number of the farm, (3) the number of pounds of rice eligible to be sold, (4) the serial number of the marketing card assigned to the producer for the farm if applicable, or the word "none" if no card has been assigned, and (5) the actual or facsimile signature of the county office manager and the date of issuance. Such facsimile signature provided for herein may be affixed by a county office employee. The original and first copy of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the triplicate copy shall be retained in the county office. A marketing certificate shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate. When the rice is marketed the buyer or transferee shall enter both on the original and copy of the marketing certificate (i) the number of pounds of rice marketed, (ii) the date marketed and (iii) the name and address of the buyer or transferee. Both the buyer or transferee and the producer shall sign the original and copy of the marketing certificate. The original shall be retained by the buyer or transferee and the copy shall be returned to the producer. If all of the rice eligible to be marketed was not marketed in one transaction, or if the producer desires to market part of the eligible rice to another buyer or transferee, he shall request the county office manager to issue a marketing certificate for the balance of the unmarketed eligible rice. Such request shall be accompanied by the completed

producer's copy of the marketing certificate showing the amount of rice previously marketed. The completed producer's copy of the marketing certificate shall be retained in the county office and a marketing certificate for the balance of the unmarketed eligible rice shall be issued to the producer. Notwithstanding the foregoing, the producer may request, and the county office manager shall issue, more than one marketing certificate at one time, provided the total number of pounds of rice shown on all the marketing certificates as eligible to be marketed does not exceed the number of pounds eligible to be marketed for the farm.

§ 730.1569 Issuance of marketing card or marketing certificate after guarantee of penalty.

Notwithstanding any other provision of the regulations in this part, upon request of any producer on a farm on which there is a producer who the county or State committee has reason to believe has not been engaged in the production of rice on such farm, marketing cards or marketing certificates, whichever are appropriate under §§ 730.1567 and 730.1568, will be issued to the producers on such farm upon the deposit of funds with the county office manager sufficient to pay the penalty on the farm marketing excess which may be determined for the farm if the allocation to the farm of such producer's allotment is recalled after hearing provided by § 730.1521(e) of the rice acreage allotment regulations in this part, or if the payment of such penalty is secured by storage of such farm marketing excess in accordance with the regulations in this part. If pursuant to the hearing held pursuant to § 730.1521(e) the producer is found not to have been engaged in the production of rice on such farm and the allocation of his producer allotment to such farm is recalled the funds so deposited in escrow will be applied to payment of the penalty found to be due and the rice so stored will be considered as rice stored to postpone or avoid payment of the penalty; and if the producer is found to have been engaged in the production of rice on the farm, the funds deposited in escrow will be returned to the producer making such deposit and any rice stored to secure payment of the penalty, together with any bond given in connection herewith, will be released to the producer storing the rice.

§ 730.1570 Lost, destroyed or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof should insofar as he is able, immediately notify the county office of the following: (1) the name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed or stolen.

(b) *Investigation and replacement.* Each person desiring a marketing card or marketing certificate to replace one lost, destroyed or stolen, shall file a written application therefor with the county office. Each such application shall be on Form MQ–117, and shall contain the information necessary to identify the missing item, the circumstances concerning the loss, destruction or theft of the missing item, a report of marketings identified by the missing item and the date and signature of the applicant. If, based on information furnished by the applicant, the county office manager is satisfied that there has been no collusion or fraudulent action on the part of the producer, he shall issue a marketing card or marketing certificate to replace the one lost, destroyed or stolen. If the county office manager has reason to believe that collusion or fraudulent action may be involved, he shall issue the producer a marketing certificate and undertake an immediate investigation of the circumstances of such loss, destruction or theft. Each marketing card or marketing certificate lost, destroyed or stolen shall be canceled and each replacement marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". The producer to whom the marketing card or marketing certificate was issued and later canceled shall be notified that such item is void and of no effect. In each case where a marketing card or marketing certificate is reported stolen and is later canceled, notice of such theft and cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers in adjoining counties. In case a marketing card or marketing certificate is reported lost or destroyed and is later canceled, notice of such loss or destruction and cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers of adjoining counties, unless the county office manager determines that sending such notice will serve no useful purpose. Any person coming into possession of a canceled marketing card or marketing certificate should immediately return it to the county office in which it was issued.

§ 730.1571 Cancellation of marketing cards and marketing certificates issued in error.

Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of error, be canceled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 730.1570(b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Canceled". In the event that such marketing card or marketing certificate is not returned immediately, notice of cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers in adjoining counties, unless the county office manager determines that sending such notice will serve no useful purpose.

IDENTIFICATION OF RICE

§ 730.1572 Time and manner of identification.

Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty or the lien for the penalty, as follows:

(a) *Identification by marketing card.* A marketing card (MQ–76—Rice) for the applicable crop year shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for the penalty.

(b) *Identification by marketing certificate.* A marketing certificate (MQ–94—Rice) properly executed shall, when delivered to the buyer by the producer, be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him, and that such rice is not subject to the lien for penalty.

(c) *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Rice), properly executed by the first intermediate buyer and the producer of the rice and any subsequent buyer in the manner outlined in § 730.1585(d) or § 730.1586, shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (1) the MQ–95—Rice shows the serial number of the marketing card or marketing certificate by which the rice was identified and the signatures of the producer and intermediate buyer, or (2) the original MQ–95—Rice bears the endorsement "Penalty Satisfied" and the signature and title of the county office manager and the date thereof.

(d) *Rice sweepings, spillage, or accumulation of samples.* A person other than a producer or intermediate buyer offering rice sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering rice accumulated from samples taken for grading and testing purposes shall obtain a certification from

the grader or tester certifying that the rice was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

(e) *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in this section shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.1573.

PENALTY

§ 730.1573 Rate of penalty.

The rate of penalty on rice shall be 65 per centum of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty applicable to the 1964 crop of rice shall be 4.12 cents per pound. This is 65 per centum of the parity price as of June 15, 1964, which is determined to be 6.35 cents per pound.

§ 730.1574 Lien for penalty.

The entire amount of rice produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 730.1576 or § 730.1577, or the farm marketing excess is stored in accordance with § 730.1581, or delivered to the Secretary in accordance with § 730.1582.

§ 730.1575 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.1576(b) or § 730.1577(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.1576 Payment of penalties by producers.

(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on the farm marketing excess as provided in this section. The amount of the penalty for which any producer is liable shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.1561(a)(3), or not later than 30 calendar days after notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.1560: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.1582 or § 730.1560 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.1581 or § 730.1560, shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.1581(g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated (as established in accordance with § 730.1561), or (2) in the case of a delayed notice of the farm marketing excess within 30 days from the date such notice is mailed to him, determine his porportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.1581 or § 730.1582, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced on the farm bears to the total amount of rice produced on the farm. Unless the total amount of rice produced on the farm is established, an individual producer's proportionate share of the penalty shall not be determined. When the producer pays his proportionate share of the penalty, or in accordance with § 730.1581 or § 730.1582, stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall be entitled to receive marketing certificates issued in accordance with § 730.1568 to be used by him only in the marketing of his proportionate share of the rice crop produced on the farm: *Provided,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess notwithstanding any apportionment under this paragraph.

§ 730.1577 Payment of penalties by buyers or transferees.

(a) *Buyers or transferees liable for payment of penalties.* Each person within the United States who buys or acquires from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the person who buys or acquires such rice a marketing card (MQ–76—Rice) or marketing certificate (MQ–94—Rice) as prescribed in § 730.1572 (a) or (b).

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys or acquires rice which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased or acquired from any intermediate buyer shall be taken as subject to the lien for the penalty, unless, at the time of sale or transfer, the intermediate buyer delivers to the purchaser or transferee the original and a copy of an intermediate buyer's record and report, MQ–95—Rice, properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of the marketing card or marketing certificate by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty Statisfied" and the signature and title of the county office manager and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires rice pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires rice may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires rice pursuant to paragraph (a) or (b) of this section. Any person who buys or acquires rice who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased or acquired a receipt for the amount so deducted which shall be in the case of rice purchased or acquired from the producer by an intermediate buyer, on MQ–95—Rice, and in all other cases, on MQ–81—Rice.

(e) *Collection by buyer at a sale which depleted stored excess rice.* Any buyer within the United States who purchases rice at a sale which has the effect of depleting stored excess rice, including a sale for storage charges, shall collect the penalty due from the producer under § 730.1581(g) and remit the amount of the penalty to the county office within 15 days after such purchase in the manner provided in § 730.1578. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

§ 730.1578 Remittance of penalties to the county office.

The penalty shall be delivered or mailed to the county office only in legal tender, or by check, draft or money order drawn payable to the order of the Agricultural Stabilization and Conservation Service, USDA. All checks, drafts and money orders tendered in payment of the penalty shall be received in the county office subject to collection and payment

at par. If the penalty is remitted by an intermediate buyer, it shall be accompanied by the original and first copy of MQ-95—Rice, and the county office manager shall show that the penalty is paid by entering on the reverse side of both copies the statement "Penalty Satisfied" and his signature and title and the date thereof before returning the first copy to the intermediate buyer.

§ 730.1579 Deposit of funds.

All funds received in the county office in connection with penalties for rice shall be scheduled and transmitted on the day received or not later than the next succeeding business day, to the State office, where such funds shall be deposited to the credit of a deposit fund account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "deposit fund account") to be held in escrow. In the event the funds so received are in the form of cash, such funds shall be deposited in the county committee bank account and a check shall be issued in the amount thereof, payable to the order of the Agricultural Stabilization and Conservation Service, USDA. A record shall be maintained of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.1580 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee, upon its own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. any amount in excess of three dollars shall be refunded. A refund in the amount of three dollars or less need not be made unless requested by the person eligible to receive such refund. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to elgibile persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager shall notify the State executive director of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State executive director shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by him. No refund of money shall be certified under this section unless the money has been received in the county office and transmitted to the State office.

§ 730.1581 Stored farm marketing excess.

(a) *Amount, type and grade of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary, or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined at the time of storage under § 730.1558 or § 730.1561, whichever is applicable. The amount of rice so stored shall be of those classes and grades which are representative of the entire quantity of rice produced on the farm, as determined by the county committee, except that if the rice produced on the farm consists of two or more classes or varieties of rice which mature and are harvested at different and distinct times and the producer stores the excess rice from the class or variety first harvested prior to the harvest of the remaining types or varieties, the stored amount shall be representative of the class or variety first harvested, as determined by the county committee: *Provided,* That if an individual producer on the farm stores the entire marketing excess as determined under § 730.1576(c), the rice so stored shall be representative of the classes and grades produced on the farm by him, as determined by the county committee.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "non-licensed storage." Commingling and substitution of rice shall be permissible in case of licensed storage, but this shall not be construed to permit the substitution of warehouse or elevator receipts deposited in escrow to postpone or avoid payment of penalty under paragraph (c) of this section. In the case of non-licensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year, and any or all stored excess rice may be replaced by rice from any other year produced by the same producer on the same or any other farm, if (1) the county committee gives prior written approval of such replacement; (2) the rice to be used for substitution is in storage; (3) the county committee determines that the rice to be used for subsitution is of a quality equal to or better than the excess rice in storage and for which substitution is to be made; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess.

The storage of rice in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by quarter section or other comparable descriptive location in areas where description is not by quarter section. Excess rice for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed in the county office and approval of the county committee is granted in writing, and if the rice is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored excess rice removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Rice produced on a farm by any producer may be placed in non-licensed storage and substituted for excess rice for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty if a written request to do so is filed in the county office and approval of the county committee is granted in writing upon the determination of such committee that the rice to be stored in non-licensed storage is of a quality equal to or better than the rice in licensed storage, and the rice in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licensed storage in accordance with paragraphs (b) and (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in paragraph (d) of this section. When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt

covering the rice in licensed storage shall be returned to the person who deposited it. Rice stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the county office manager to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt. In the case of a non-negotiable receipt, the warehouseman or elevator operator shall be notified in writing by the owner of the receipt and the county office manager that it has been deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it. A warehouse receipt covering a farm marketing excess for any pro rata share of a farm marketing excess may be accepted in escrow in accordance with this paragraph even though a lien is held by another party against the producer's entire crop. Upon notice of foreclosure proceedings to enforce the lien, the county office manager shall advise the lien holder and the purchaser of the rice at the foreclosure sale that penalty shall became due and payable upon the sale of the rice and of the purchaser's liability to collect and remit the penalty.

(d) *Non-licensed storage bonds.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the county office manager in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of rice so stored, the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the county office manager shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of rice in storage, a new bond covering all excess rice of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of any other year stored excess rice. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided,* That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. All checks, drafts and money orders shall be received in the county office subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle rice or to substitute rice of any crop for excess rice in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law, the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed in accordance with § 730.1576(b) for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.1558 or § 730.1561, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.1582. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each crop is satisfied.

(h) *Underplanting the farm allotment for a subsequent crop.* Whenever the rice acreage on any farm for any subsequent crop of rice is less than the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm allotment. Such application shall be made in writ-

ing not later than December 31 of the crop year in which the underplanted crop is harvested. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph, the acreage, if any, under conservation reserve and cropland conversion programs shall be considered rice acreage and such acreage shall be added to the rice acreage determined for the farm. The acreage considered as rice acreage under conservation reserve and cropland conversion programs shall be determined as provided in Part 719 of this Chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages.

(i) *Producing a subsequent crop which is less than the normal production of the farm allotment.* Whenever in any subsequent year the rice acreage does not exceed the farm allotment and the actual production of rice on the farm is less than the normal production of the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. Such application shall be made in writing not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated as determined in accordance with § 730.1561. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice, to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm. For the purpose of this paragraph, any acreage which is considered to be rice acreage under conservation reserve and cropland conversion programs shall be deemed to have produced the normal production of rice when determining the actual production for the farm.

§ 730.1582 Delivery of the farm marketing excess to the Secretary.

(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.1558 or § 730.1561, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the county office manager for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the county office manager the elevator or warehouse receipt for the amount of the rice, or (2) show to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with § 730.1561(a) or pursuant to § 730.1560. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.1581 (a) to (f), and the rice has not gone out of condition through any fault of the producer.

(d) *Rice to be unencumbered.* Any rice delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no rice shall be accepted for such purposes if it is subject to storage charges or liens of any kind. Conveyance of the rice to the Secretary shall be made by the execution and delivery of Form MQ-99-Rice.

§ 730.1583 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.1584 Report of violations and court proceedings to collect penalty.

It shall be the duty of the county office manager to report in writing to the State executive director each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.1576 to 730.1578. It shall be the duty of the State executive director to report each such case in writing to the office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States to collect the penalties, as provided in section 376 of the Act.

RECORDS AND REPORTS

§ 730.1585 Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, or transferees and buyers other than intermediate buyers.

(a) *Necessity for records and reports.* Each warehouseman, mill or elevator

operator, processor, or transferee, and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice, the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, mill or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, shall keep as part of or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the rice purchased, acquired or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice), by which the rice was identified, or the report and penalty receipt for rice not identified (MQ–81—Rice), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any representative of the State committee or investigators and accountants (special agents) or authorized representatives of The Office of the Inspector General, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends, or longer if requested by the State executive director. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of report of commodity purchased or acquired from producers or intermediate buyers (MQ–80—Grain) which may be used for the purpose of keeping the records required under this section.

(c) *Records and reports in connection with rice subject to penalty.* Each warehouseman, mill or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer which is not identified at the time the rice is purchased in the manner provided in § 730.1572 (a), (b) and (c), shall, with respect to each such transaction, execute the report and penalty receipt for rice not identified on MQ–81—Rice and report to the county office manager the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the names of the county and State, and the address of the county office of the county in which the rice was produced, (3) the date of the transaction, (4) the amount of the rice, (5) the year harvested, (6) the amount of the penalty incurred in connection with the transaction, and (7) whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice shall be executed in triplicate. The person who executes MQ–81—Rice shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with the rice, and mail or deliver the remaining copy to the county office manager. It shall be presumed that rice was not identified by MQ–76—Rice, as provided in § 730.1572(a), or MQ–94—Rice, as provided in § 730.1572(b), or MQ–95—Rice, as provided in § 730.1572 (c), if the serial number of the marketing card, marketing certificate or intermediate buyer's record and report, does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice) executed in accordance with § 730.1586, the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the county office manager as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases the rice so identified shall retain the original of the marketing certificate as a record of the transaction completed as provided in § 730.1568(b).

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, processor, or transferee, or a buyer other than an intermediate buyer, to the county office manager for the county in which the rice was produced.

§ 730.1586 Records to be kept and reports to be made by intermediate buyers.

(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Rice) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State and the address of the county office of the county in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, (5) the serial number of the marketing card or marketing certificate by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice, and (6) the year in which the rice was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Rice. One copy of the MQ–95—Rice so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ–95—Rice so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ–94—Rice), the intermediate buyer and the producer shall complete the original and copy of the marketing certificate in accordance with the provisions of § 730.1568(b). The copy shall be retained by the producer and the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Rice to be delivered to the warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ–95—Rice, and marketing certificate (MQ–94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by a single MQ–95—Rice to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement

on the reverse side of both the original and first copy of MQ–95—Rice showing the name and signature of the person, the number of pounds of rice marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Rice to the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, to whom all or the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Rice shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer, the last intermediate buyer shall, within 15 days after purchase of such rice, mail or deliver the original and first copy of the intermediate buyer's record and report to the county office manager.

(d) *Reports to the county office manager.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Rice contained in a book have been executed, or by February 28 of each calendar year, whichever is the earlier, mail or deliver to the county office from which the book was obtained the executed copies and unexecuted sets of Form MQ–95—Rice which were retained by him. Books of Form MQ–95—Rice shall be reissued to any intermediate buyer upon request. In the event that the county committee or State executive director has reason to do so, any or all intermediate buyers to whom books of Form MQ–95—Rice were issued or reissued after the end of the calendar year may be requested to mail or deliver on or before the end of the marketing year to the county office from which the book was obtained, the executed copies and unexecuted sets of Form MQ–95—Rice. In the event that the county committee or State executive director has reason to believe that any intermediate buyer has failed or refused to comply with the regulations in this subpart, the county office manager or State executive director shall notify the intermediate buyer in writing that he is considered to be an intermediate buyer under the provisions of the rice marketing quota regulations and that he is requested to furnish a report within 15 days to the county office manager on Form(s) MQ–95—Rice of all rice purchased or acquired by him during the period of time specified in the request. The notice shall advise the intermediate buyer that the information required to be reported on Form MQ–95—Rice is in accordance with the rice marketing quota regulations and he shall be advised of the penalty for failure or refusal to keep the records and make the reports as provided in § 730.1588. The intermediate buyer shall make the report for the period specified as requested by the county office manager or State executive director.

§ 730.1587 Buyer's special reports.

If the county committee or State executive director has reason to believe that any buyer has failed or refused to comply with the regulations in this subpart, the buyer shall, within 15 days after a written request therefor made by the county office manager or State executive director and deposited in the United States mails, addressed to him at his last known address, make a report, certified as true and correct on MQ–80—Grain to such person with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) the date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ–76—Rice), marketing certificate (MQ–94—Rice), intermediate buyer's record and report (MQ–95—Rice), or the report and penalty receipt for rice not identified (MQ–81—Rice), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§ 730.1588 Penalty for failure or refusal to keep records and make reports.

Any person required to keep the records or make the reports specified in § 730.1585, § 730.1586, or § 730.1587 who fails to keep any such record or make any such report, or who makes any false report or keeps any false record, shall, as provided in section 373(a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.1589 Records to be kept and reports to be made by producers.

Each producer with respect to any rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act. Upon written request of the county committee or county office manager, any producer shall, within 15 days from the date the request was mailed to him, file with the county office manager for the county in which the farm is situated, a report of production and disposition on MQ–98—Grain showing for the farm the following information: (a) The total number of pounds of rice produced thereon in the applicable crop year, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the applicable crop on hand, (f) the disposition of any rice not otherwise accounted for, and (g) the rice acreage for the applicable crop year.

§ 730.1590 Data to be kept confidential.

Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.1591 Enforcement.

It shall be the duty of the county office manager to report in writing to the State executive director forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.1585 to 730.1589, inclusive, and to so report each case of making any false report or record. It shall be the duty of the State executive director to report each such case in writing in quintuplicate to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.1592 Farms on which the only acreage of rice is nonirrigated rice not in excess of three acres.

(a) *Conditions of exception.* The farm marketing quota of rice for any crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for such crop is not in excess of three acres.

(b) *Issuing marketing cards or marketing certificates.* The county office manager shall, for each farm to which the provisions of this section are applicable, issue marketing cards or marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.1567 to 730.1571.

§ 730.1593 Experimental rice farms.

(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of any crop grown for experimental purposes only on land owned or leased by any publicly-owned agricultural experiment station, and which is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds

from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the planting of the rice crop on the farm. The production of foundation, registered, or certified seed rice will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards or marketing certificates.* The county office manager shall, upon written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card or a marketing certificate for the experiment station in the manner and subject to the conditions specified in §§ 730.1567 to 730.1571.

§ 730.1594 Rice produced on a wildlife refuge farm.

The penalty shall not apply to any rice produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided,* That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess rice produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed. For the purpose of marketing within quota rice produced on such farm, a marketing card or marketing certificate may be issued in the same manner and subject to the conditions specified in §§ 730.1567 to 730.1571.

§ 730.1595 Erroneous notices.

(a) *Erroneous notice of allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice allotment for a crop year which was larger than the finally-approved allotment and the county committee and the State executive director find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally-approved allotment, the producer will not be considered to have exceeded the allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in § 730.1555, the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice allotment for the farm, such determination shall be subject to review and approval by the State executive director before the erroneous allotment is used by the county committee to determine the marketing quota and marketing excess for the farm. If any farm allotment is reduced pursuant to the provisions of § 730.1521(e), the provisions of this paragraph may be applied only to the farm allotment as so reduced, whether reduced prior or subsequent to the planting of rice on the farm, and not to the farm allotment prior to such reduction.

(b) *Erroneous notice of measured acreage.* The provisions of Part 718 of this chapter, Determination of Acreage and Performance, and any admendments thereto, relating to notices to farm operators shall be applied when determining whether an erroneous notice of measured acreage is applicable to a particular case.

§ 730.1596 Approval of reporting and record-keeping requirements.

The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Effective date: Since rice is now being harvested in some areas, it is essential that these regulations be made effective at the earliest possible date. Accordingly, it is hereby determined and found that compliance with the effective date provision of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to public interest and these regulations shall be effective upon the date of filing with the Director, Office of the Federal Register: *Provided,* That the part of the definition of rice acreage which provides "a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage" shall become effective January 1, 1965, to be applicable to 1965 and subsequent crop years.

[F.R. Doc. 64-8452; Filed, Aug. 19, 1964; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.4, Amdt. 1]

PART 862—WAGE RATES; SUGAR BEETS

Pursuant to the provisions of section 302(c)(1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), § 862.4 of this chapter (29 F.R. 4869), effective April 3, 1964, is amended by revising paragraph (c) to read as follows:

§ 862.4 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets.

* * * * *

(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of two years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee records or such other evidence as may satisfy such committee that the requirements of this section have been met.

* * * * *

Statement of bases and considerations. The determination now in effect covering the payment of fair and reasonable wage rates, as well as recent prior determinations, provides that the producer upon request is required to furnish to the county committee acceptable and adequate proof that all workers have been paid in accordance with the requirements of the determinations.

To supplement that requirement, instructions to county offices have provided that each sugarbeet producer shall be given written notification annually of the conditions of eligibility for payment. The producer is informed that all workers employed on the farm in the production, cultivation or harvesting of sugarbeets must have been paid in full for all such work at rates not less than those required by the Secretary's determination. The producer is also informed that he may be requested to furnish proof that the wage requirements have been met and that adequate records of all wages paid must be maintained. A suggested wage record sheet is attached to the letter for the guidance of the producer.

During a recent survey, it was found that the producers' records of wage payments for sugarbeet work in some instances were inadequate to prove that the wage requirements had been met. Accordingly, this amendment is designed to strengthen the requirements with respect to record keeping to insure that all workers are properly paid. This amendment adopts as a requirement the instructions heretofore given to the producer by letter, and in addition requires the producer to keep and preserve for a two year period, beyond the date of filing his application for payment, adequate records relating to wage payments to sugarbeet workers on the farm. The determination provides that the worker may within two years from the date the work was performed file a claim at the county office if he believes that he has not been paid wages in full in accordance with the Secretary's determination. Thus, the additional requirement that the producer must preserve his wage records for two years after filing his application for payment will facilitate the settlement of any claims which may be filed by a worker.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; u U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. 1131)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This amendment shall become effective 10 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 14, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-8453; Filed, Aug. 19, 1964; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576) § 97.1 of Part 97, Title 9 of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $6.60 per man hour per employee as follows: A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the two-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It shall be administratively determined from time to time which days constitute holidays.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective August 18, 1964 when it shall supersede 9 CFR 97.1, effective January 5, 1964.

The purpose of this amendment is to increase the hourly rate for overtime services from $6.40 to $6.60 commensurate with salary increases provided in Title 1 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

Done at Washington, D.C., this 17th day of August 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-8451; Filed, Aug. 18, 1964; 1:00 p.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-WA-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways; Correction

On July 14, 1964, Federal Register Document 64-6942 was published in the FEDERAL REGISTER (29 F.R. 9529) and amended Part 71 of the Federal Aviation Regulations. These amendments will become effective September 17, 1964. Item E., paragraph No. 25., showed V-97 as being amended, whereas it should have shown V-217. In Item E., paragraph No. 41., the word "thence" to indicate a change to normal airway width after Hudspeth, Tex., was omitted. Item E., paragraph No. 47., erroneously amended the description of V-210. Also, V-885 referred to in Item E., paragraph No. 67., was revoked effective September 17, 1964, in Airspace Docket No. 64-WA-37 (29 F.R. 9533). In addition, Item F., paragraph No. 3., showed V-440 as terminating at McGrath, Alaska, whereas the revised description should have shown this airway extending via Unalakleet, Alaska, to Nome, Alaska, as it is presently designated, and in paragraph No. 4., the main airway and north alternate segment of V-452 between Nome, Alaska, and Moses Point, Alaska, which became effective July 23, 1964, was deleted. Finally, Item G., paragraph Nos. 6. and 7. made reference to South Kanai, Hawaii, whereas it should have made reference to South Kauai, Hawaii. Action is taken herein to correct these discrepencies.

Since these amendments are editorial in nature and impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary, and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64-6942 (29 F.R. 9529) is altered as follows:

1. In Item E., paragraph No. 25. "V-97" is deleted and "V-217" is substituted therefor.

2. In Item E., paragraph No. 41. "to Hudspeth;" is deleted and "to Hudspeth; thence" is substituted therefor.

3. In Item E., paragraph No. 47. is deleted.

4. In Item E., paragraph No. 67. is deleted.

5. In Item F., paragraph No. 3. "to McGrath." is deleted and "McGrath; Unalakleet, Alaska; to Nome, Alaska." is substituted therefor.

6. Item F., paragraph No. 4. is amended to read:

V-452 From Nome, Alaska, via Moses Point, Alaska, including an N alternate; Galena, Alaska, to Nenana, Alaska.

7. In Item G., paragraph Nos. 6. and 7. delete "South Kanai, Hawaii," wherever it appears and substitute "South Kauai, Hawaii," therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on August 12, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8394; Filed, Aug. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Routes and Reporting Points

On April 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5322) stating that the Federal Aviation Agency (FAA) proposed the following: (1) Alteration of Jet Route No. 58 by realignment in part from the Stockton, Calif., VORTAC via the Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; to the Bryce Canyon, Utah, VOR. (2) Alteration of Jet Route No. 80 by realignment in part from the Stockton VORTAC via the Coaldale VOR; Wilson Creek VOR; to the Milford, Utah, VORTAC. (3) Deletion of Tonopah, Nev., VOR as a compulsory reporting point. (4) Designation of the Coaldale VOR as a compulsory reporting point.

Interested persons were afforded an opportunity to participate in the rule making action through submission of comments. All comments received were favorable.

The substance of the proposed amendments has been published; therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287, 3807, 4996) Jet Route No. 58 is amended as follows: In the text "Tonopah, Nev.; INT of the Tonopah 083° and Bryce Canyon, Utah, 239° radials; Bryce Canyon;" is deleted and "Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah;" is substituted therefor.

2. In § 75.100 (29 F.R. 1287, 1561, 5541) Jet Route No. 80 is amended as follows: In the text "Tonopah, Nev.;" is deleted and "Coaldale, Nev.; Wilson Creek, Nev.;" is substituted therefor.

3. In § 71.207 (29 F.R. 1223) the following changes are made:

a. "Tonopah, Nev." is deleted.

b. "Coaldale, Nev." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

These amendments shall become effective 0001 e.s.t., October 15, 1964.

Issued in Washington, D.C., on August 12, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8395; Filed, Aug. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route

On April 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5168) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 10 by realignment of this route from the Farmington, N. Mex., VORTAC via the Gunnison, Colo., VORTAC to the Denver, Colo., VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) Jet Route No. 10 is amended as follows: In the text "Farmington, N. Mex.," is deleted and "Farmington, N. Mex. Gunnison, Colo.," is substituted therefor.

(Sec. 307(a) of the Federal Act of 1958 (49 U.S.C. 1348))

This amendment shall become effective 0001 e.s.t., October 15, 1964.

Issued in Washington, D.C., on August 12, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8396; Filed, Aug. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-18]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route

On April 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5322) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 20 by realignment of this route in part from Denver, Colo., VORTAC via the Lamar, Colo., VOR to the Gage, Okla., VORTAC.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment has been published; therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) Jet Route No. 20 is amended as follows: In the text "Denver, Colo.;" is deleted and "Denver, Colo.; Lamar, Colo.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

This amendment shall become effective 0001 e.s.t., October 15, 1964.

Issued in Washington, D.C., on August 12, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8397; Filed, Aug. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-50]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation of Jet Routes and Jet Advisory Areas

Correction

In F.R. Doc. 64-8235, appearing at page 11707 of the issue for Saturday, August 15, 1964, the following correction is made in Jet Route No. 531, under § 75.100: The second parenthetical remark should read "(joins Canadian high level airway No. 531)".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6164; Amdt. 797]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 720 and 720B Series Aircraft

Amendment 758, 29 F.R. 8474, AD 64-15-2, requires inspection of the inboard wing upper skin of Boeing Models 720 and 720B Series aircraft. The directive is being interpreted to require repetitive inspections after repairs are made. The Agency has determined that reinspection in not necessary in the interest of safety after certain repairs have been made. The AD is being amended accordingly. This amendment also specifically provides that repairs may be made in accordance with the manufacturer's structural repair manual or the manufacturer's drawing 65-40293.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is amended as follows:

Amendment 758, 29 F.R. 8474, AD 64-15-2, Boeing Models 720 and 720B Series aircraft, is amended by:

1. Inserting in paragraph (b) the word "or" after "* * * Sheets 1 and 2, * * *".

2. Adding to the last sentence of paragraph (c) the words "* * * or repairs are made in accordance with paragraph (b)."

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective August 21, 1964.

Issued in Washington, D.C., on August 17, 1964.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-8442; Filed, Aug. 19, 1964; 8:49 a.m.]

[Reg. Docket No. 5076; Amdt. 796]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 810 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the rib reinforcing plate and the rib web plate and repair or modification if cracks are found on Vickers Viscount Model 810 Series aircraft was published in 29 F.R. 6806.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received, however there was one comment which suggested that the wording be clarified in paragraph (a) to agree with the manufacturer's instructions on the subject. This has been done.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 810 Series aircraft. Compliance required as indicated.

Fatigue cracking has occurred in the rib structure of the inboard rib at Station 96 of the inboard nacelles, illustrated in Figure 1 of Preliminary Technical Leaflet No. 113 (800/810 Series). To preclude further failures, accomplish the following in accordance with the PTL referenced herein or FAA approved equivalent:

(a) Within 275 landings after the effective date of this AD unless already accomplished within the last 225 landings, conduct dye penetrant or an FAA-approved equivalent inspection for cracks in the rib reinforcing plate and rib web plate in accordance with PTL 113.

(b) If no cracks are found, reinspect at intervals not exceeding every 500 landings from the last inspection until Modification FG. 1960 Part "B" is accomplished, after which no further inspection for this defect will be required.

(c) If cracks are found during the initial inspection described in paragraph (a), accomplish paragraphs (e), (f), or (g), as appropriate, within 275 landings after the effective date of this AD.

(d) If cracks are found during a reinspection, accomplish paragraphs (e), (f), or (g), as appropriate, within 275 landings from the time the cracks are found.

(e) If a crack is found in the rib reinforcing plate only, incorporate the repair scheme Figures 2 and 3 of PTL 113 or an FAA-approved equivalent and reinspect within every 1,500 landings to ensure that there is no progression of damage in the reinforcing plate and no initiation of damage in the web plate. These repetitive inspections may be discontinued after incorporation of Modification FG. 1960 Part "C".

(f) If a crack is found in the rib web plate only, incorporate Mod. FG. 1960 Part "B" and reinspect the rib web plate within every 3,000 landings to ensure that cracking has not been initiated in the reinforcing plate. These repetitive inspections are no longer necessary after the incorporation of Mod. FG. 1960 Part "C".

(g) If cracks are found in both the reinforcing plate and the rib web plate, incorporate Mod. FG. 1960 Part "C".

(Vickers-Armstrongs Preliminary Technical Leaflet No. 113 Issue 2 (800/810 Series) and Modification FG. 1960 cover this subject.)

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective September 21, 1964.

Issued in Washington, D.C., on August 14, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-8399; Filed, Aug. 19, 1964; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

PART 225—COMPUTATION OF ANNUITY

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), §§ 222.1 (final paragraph) and 222.3(a) of Part 222, § 225.1 of Part 225, and §§ 237.201 and 237.202(b)(1)(i) of Part 237 (20 CFR 222.1, 222.3(a), 225.1, 237.201, and 237.202(b)(1)(i) of the regulations under such act are amended by Board Order 64-105, dated July 29, 1964, to read as follows:

§ 222.1 Statutory provisions.

* * * * *

* * * In computing the monthly compensation, no part of any month's compensation in excess of $300 for any month before July 1, 1954, or in excess of $350 for any month after June 30, 1954, and before the calendar month [June 1959] next following the month in which this Act was amended in 1959 [May 1959], or in excess of $400 for any month after the month in which this Act was so amended and before the calendar month [November 1963] next following the month in which this Act was amended in 1963 [October 1963], or in excess of $450 for any month after the month in which this Act was so amended, shall be recognized. If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity. If the "monthly compensation" computed under this subsection is not a multiple of $1, it shall be rounded to the next lower multiple of $1. (Section 3(c) of the act)

§ 222.3 Creditability of compensation.

(a) *Maximum creditable compensation for one month.* In no case shall compensation in excess of $300 for any month of service before July 1, 1954, or in excess of $350 for any month of service after June 30, 1954, and before June 1, 1959, or in excess of $400 for any month of service after May 31, 1959, and before November 1, 1963, or in excess of $450 for any month of service after October 31, 1963, be recognized.

* * * * * *

§ 225.1 Formula for computing annuity.

An annuity for a month shall be computed by multiplying an individual's "years of service" by the following percentages of his "monthly compensation": 3.35 percent of the first $50; 2.51 percent of the next $100; and 1.67 percent of the next $300.

§ 237.201 Statutory provisions.

The term "basic amount" shall mean—

(i) For an employee who will have been partially insured, or completely insured solely by virtue of paragraph (7)(i) or (7)(ii) or both: the sum of (A) 49 per centum of his average monthly remuneration, up to and including $75; plus (B) 12 per centum of such average monthly remuneration exceeding $75 and up to and including $450, plus (C) 1 per centum of the sum of (A) plus (B) multiplied by the number of years after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to $200 or more; if the basic amount, thus computed, is less than $16.95 it shall be increased to $16.95;

(ii) For an employee who will have been completely insured solely by virtue of paragraph (7)(iii): the sum of 49 per centum of his monthly compensation if an annuity will have been payable to him, or, if a pension will have been payable to him, 49 per centum of the average monthly earnings on which such pension was computed, up to and including $75, plus 12 per centum of such compensation or earnings exceeding $75 and up to and including $300. If the average monthly earnings on which a pension payable to him was computed are not ascertainable from the records in the possession of the Board, the amount computed under this subdivision shall be $40.33, except that if the pension payable to him was less than $30.25, such amount shall be four-thirds of the amount of the pension or $16.13, whichever is greater. The term "monthly compensation" shall, for the purposes of this subdivision, mean the monthly compensation used in computing the annuity;

(iii) For an employee who will have been completely insured under paragraph (7)(iii) and either (7)(i) or (7)(ii): The higher of the two amounts computed in accordance with subdivisions (i) or (ii). (Section 5(1)(10) of the act)

An employee's "average monthly renumeration" shall mean the quotient obtained by dividing (A) the sum of (i) the compensation paid to him after 1936 and before the employee's closing date, eliminating any excess over $300 for any calendar month before July 1, 1954, any excess over $350 for any calendar month after June 30, 1954, and before the calendar month [June 1959] next following the month in which this Act was amended in 1959 [May 1959], any excess over $400 for any calendar month after the month in which this Act was so amended and before the calendar month [November 1963] next following the month in which this Act was amended in 1963 [October 1963] and any excess over $450 for any calendar month after the month in which this Act was so amended, and (ii) if such compensation for

any calendar year before 1955 is less than $3,600 or for any calendar year after 1954 and before 1959 is less than $4,200, or for any calendar year after 1958 is less than $4,800, and the average monthly renumeration computed on compensation alone is less than $450 and the employee has earned in such calendar year "wages" as defined in paragraph (6) hereof, such wages, in an amount not to exceed the difference between the compensation for such year and $3,600 for years before 1955, $4,200 for years after 1954 and before 1959, and $4,800 for years after 1958, by (B) three times the number of quarters elapsing after 1936 and before the employee's closing date:

Provided, That for the period prior to and including the calendar year in which he will have attained the age of twenty-two there shall be included in the divisor not more than three times the number of quarters of coverage in such period: *Provided, further,* That there shall be excluded from the divisor any calendar quarter which is not a quarter of coverage and during any part of which a retirement annuity will have been payable to him. An employee's "closing date" shall mean (A) the first day of the first calendar year in which such employee both had attained age 65 and was completely insured; or (B) the first day of the calendar year in which such employee died; or (C) the first day of the calendar year following the year in which such employee died, whichever would produce the highest "average monthly remuneration" as defined in the preceding sentence. If the amount of the "average monthly remuneration" as computed under this paragraph is not a multiple of $1, it shall be rounded to the next lower multiple of $1.

With respect to an employee who will have been awarded a retirement annuity, the term "compensation" shall, for the purposes of this paragraph, mean the compensation on which such annuity will have been based. (Section 5(1)(9) of the act)

The term "wages" shall mean wages as defined in section 209 of the Social Security Act. In addition, the term shall include (i) "self-employment income" as defined in section 211(b) of the Social Security Act, and (ii) wages deemed to have been paid under section 217 (a) or (e) of the Social Security Act on account of military service which is not creditable under section 4 of this act. Wages, as defined in this paragraph, shall be credited for the purposes of this section in the manner and to the extent credited for corresponding purposes of Title II of the Social Security Act. (Section 5(1)(6) of the act)

§ 237.202 Basic amount.

* * * * *

(b) *Computation of basic amount.*

* * *

(1) *Employee partially insured or completely insured solely because of current connection and quarters of coverage.* In these cases:

(i) If the employee's average monthly remuneration does not exceed $75, take 49 percent of such average monthly remuneration. If the average monthly remuneration exceeds $75, take 49 percent of $75 and add thereto 12 percent of the amount by which the average monthly remuneration exceeds $75 and does not exceed $450.

* * * * *

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: August 14, 1964.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 64-8435; Filed, Aug. 19, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or For Treatment of Food-Producing Animals

TYLOSIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1177) filed by Elanco Products, A Division of Eli Lilly and Company, P.O. Box 1750, Indianapolis 6, Indiana, and other relevant material, has concluded that the following amendments to § 121.217 should issue to provide for the safe conditions of use of tylosin in swine feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.217 *Tylosin* is amended by changing paragraph (d) as follows:

1. In table 2, item 3 is changed by adding ", as sole source of tylosin." to the text under "Limitations".

2. Table 3 is changed by adding a new item 2, as follows:

§ 121.217 Tylosin.

* * * * *

TABLE 3—TYLOSIN IN ANIMAL FEED

Principal ingredient	Gm. per ton	Combined with—	Gm. per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2. Tylosin	40-100			For swine; 100 gm. per ton for 3 weeks followed by 40 gm. per ton until market weight; as tylosin phosphate, as sole source of tylosin.	Prevention of swine dysentery (vibrionic).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8440; Filed, Aug. 19, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 261—ALCOHOLIC BEVERAGE CONTROL

The Deputy Secretary of Defense approved the following May 4, 1964:

Sec.
261.1 Authority and purpose.
261.2 Applicability and scope.
261.3 Responsibility.
261.4 General policy statements.
261.5 Authorized sales.

AUTHORITY: The provisions of this Part 261 issued under sec. 161, R.S., 5 U.S.C. 22.

§ 261.1 Authority and purpose.

Under the authority contained in section 6, 1951 Amendments to the Universal Military Training and Service Act, 50 U.S.C. App. 473, this part assigns responsibility and establishes uniform Department of Defense policy governing the sale of alcoholic beverages.

§ 261.2 Applicability and scope.

The provisions of this part apply to all DOD components and to all persons eligible to patronize on-base outlets selling alcoholic beverages in the United States and the District of Columbia.

§ 261.3 Responsibility.

(a) *Office of the Secretary of Defense.* The Assistant Secretary of Defense (Manpower) (ASD (M)) shall be responsible for the administration of this part throughout the DOD.

(b) *Military Departments.* The Secretaries of the Military Departments shall be responsible for effectively carrying out the policies of this part and to make and issue implementing regulations in accordance with existing applicable laws.

§ 261.4 General policy statements.

(a) *Use of alcoholic beverages.* The established policy of the Department of Defense with respect to controlling the use of alcoholic beverages by members of the Armed Forces is to encourage abstinence, enforce moderation, and punish over-indulgence. This policy can be carried out most effectively through command supervision.

(b) *Restrictive controls and affirmative measures.* (1) Restrictive controls shall be established by Secretaries of the Military Departments which recognize (as the primary consideration) the varying conditions and requirements of military service, yet do not discriminate against individuals in the Armed Forces by denying them the rights and privileges of other citizens.

(2) Affirmative measures shall be taken, including but not limited to providing (i) character guidance, with emphasis on the harmful effects of the immoderate use of alcoholic beverages, using the advice and assistance of chaplains, and (ii) wholesome recreation, entertainment, and relaxation for individuals in the Armed Forces both on and off station, using the initiative and assistance of local communities and national organizations.

(c) *Cooperation.* (1) DOD will cooperate with all duly constituted regulatory officials (local, state and Federal) to the degree that the duties of such officials are related to the furtherance of the terms of this Part. However, the purchase of all alcoholic beverages for resale at any camp, post, station, base or other place primarily occupied by members of the Armed Forces within the United States shall be in such a manner and under such conditions as shall obtain for the Government the most advantageous contract, price and other factors considered, without regard to prices locally established by state statute or otherwise.

(2) This policy of cooperation is not to be construed or represented as an admission of any legal obligation to submit to State control.

§ 261.5 Authorized sales.

(a) *Other than packaged alcoholic beverages.* Appropriate regulations controlling the sale of alcoholic beverages dispensed by the drink, or beer sold in other than sales outlets for packaged alcoholic beverages, may be promulgated by the Secretaries of the Military Departments.

(b) *Sales outlets for packaged alcoholic beverages.* The sale of packaged alcoholic beverages, other than beer, may be authorized on military installations when the Secretary of a Military Department approves the establishment of such sales outlets after determining that the authorization will be beneficial to the morale of the military community.

(1) In arriving at such determinations, the Secretary of a Military Department will take cognizance of all pertinent factors including the following criteria as applicable:

(i) Estimated number of authorized patrons per outlet if granted.

(ii) Importance of estimated contributions of package store profits to providing, maintaining and operating clubs, messes and other recreational activities.

(iii) Availability of wholesome family social clubs to military personnel in the local civilian community.

(iv) Geographical inconveniences.

(v) Limitations of non-military sources.

(vi) Disciplinary and control problems due to restrictions imposed by local law and regulation.

(vii) Highway safety.

(viii) A digest of the attitudes of community authorities or civic organizations toward establishment of a package sales outlet.

(2) An information copy will be dispatched to the ASD (M) of each action approving the establishment of sales outlets for packaged alcoholic beverages, including the determinations and findings made in accordance with the criteria as stated above.

(3) *Controls*—(i) *Purchase and consumption.* Although individual rationing will not be required, installation commanders will maintain a continuing review of the amount of alcoholic beverages purchased in the sales outlets and the number of authorized purchasers. If such review indicates that the purchases equated to the number of authorized individuals results in an excessive per capita amount, appropriate control measures will be instituted to assure compliance with § 261.4(a) or subdivision (iii) of this subparagraph as applicable.

(ii) *Pricing.* Prices in authorized sales outlets for packaged alcoholic beverages shall be within ten percent (10%) of the lowest prevailing rates of civilian outlets in the area. Exceptions will be granted only upon approval by the Secretary of the cognizant Military Department upon a substantiated showing, to be made in each case, that special factors warrant an exception thereto.

(iii) *Diversion.* Diversion, to unauthorized persons of packaged alcoholic beverages purchased by members of the Armed Forces in authorized sales outlets, is a serious offense and where substantiated will be punished.

(4) *Eligibility for patronage of sales outlets.* Eligibility for patronage of sales outlets for alcoholic beverages on military installations will be restricted to authorized personnel prescribed by the Secretaries of the Military Departments.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-8428; Filed, Aug. 19, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3436]

[Anchorage 060878]

ALASKA

Withdrawal for Preservation of Historical and Recreational Values; Lake Louise Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, (17 F.R. 4831), it is ordered as follows:

Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, for the preservation of historical, archeological and recreational values.

U.S. Survey 3502,
Lot 3.

Containing 18.87 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

August 14, 1964.

[F.R. Doc. 64-8414; Filed, Aug. 19, 1964; 8:47 a.m.]

[Public Land Order 3435]

[Sacramento 076627]

CALIFORNIA

Withdrawal for Forest Service Administrative Sites and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831) it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry, and purchase under the United States mining laws, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation area, as indicated:

HUMBOLDT MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

Whites Bar Picnic Area

T. 4 N., R. 8 E.,
Sec. 4, E½ of lot 2.

KLAMATH NATIONAL FOREST

Elk Creek Administrative Site

T. 15 N., R. 8 E.,
Sec. 32, H.E.S. No. 293;
Sec. 33, H.E.S. No. 293.

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

Gottville Administrative Site

T. 46 N., R. 7 W.,
Sec. 8, S½SE¼SW¼NW¼ and E½NW¼SW¼.

The areas described aggregate 72.42 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 14, 1964.

[F.R. Doc. 64-8413; Filed, Aug. 19, 1964; 8:47 a.m.]

[Public Land Order 3437]

[BLM 073066]

FLORIDA

Withdrawal for Forest Service Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Ocala National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas, campgrounds and picnic sites, as indicated:

TALLAHASSEE MERIDIAN

LAKE DELANCY RECREATION AREA

T. 12 S., R. 25 E.,
Sec. 22, S½SE¼NE¼, N½SE¼, SE¼NE¼ SW¼;
Sec. 23, S½N½, N½S½, SE¼SE¼;
Sec. 27, S½NE¼;
Sec. 35, N½NW¼.

Total area 633.87 acres.

CHITTY POINT CAMPGROUND

T. 12 S., R. 25 E.,
Sec. 26, S½SW¼, NW¼SW¼.

Total area 120.52 acres.

GRASSY POND CAMPGROUND ADDITION

T. 13 S., R. 25 E.,
Sec. 8, N½SE¼, SW¼NE¼.

Total area 120.38 acres.

PLANTATION LANDING CAMPGROUND

T. 13 S., R. 26 E.,
Sec. 11, lot 1.

Total area 40.76 acres.

MASON BAY CAMPGROUND

T. 14 S., R. 24 E.,
Sec. 11, NE¼SE¼, except a strip of land 400 feet on each side of the center line of Florida Highway No. 314 which was withdrawn by PLO 1535, dated October 24, 1957.

Total area 80.06 acres.

EAST LAKE ETON CAMPGROUND

T. 14 S., R. 24 E.,
Sec. 14, SW¼SE¼.

Total area 40.09 acres.

LAKE LOU PICNIC SITE

T. 14 S., R. 24 E.,
Sec. 36, W½NE¼.

Total area 80.00 acres.

HOPKINS PRAIRIE CAMPGROUND ADDITION

T. 14 S., R. 26 E.,
Sec. 15, SW¼NW¼, SE¼SW¼.

Total area 80.30 acres.

JUNIPER PRAIRIE CAMPGROUND

T. 14 S., R. 26 E.,
Sec. 33, lots 2 and 3.

Total area 150.03 acres.

ZAY PRAIRIE PICNIC SITE

T. 15 S., R. 25 E.,
Sec. 5, lots 3 and 4.

Total area 81.92 acres.

TURKEY PEN HAMMOCK CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 6, lots 2 and 3.

Total area 83.39 acres.

DEER LAKE CAMPGROUND ADDITION

T. 15 S., R. 25 E.,
Sec. 7, S½NE¼, SE¼;
Sec. 8, SW¼NW¼, SW¼SW¼.

Total area 320.20 acres.

MILL DAM PICNIC SITE ADDITION

T. 15 S., R. 25 E.,
Sec. 17, lot 1, W½W½SE¼, W½SW¼NE¼, SE¼NW¼;
Sec. 18, lot 1;
Sec. 20, W½NW¼NE¼.

Total area 192.46 acres.

HALFMOON CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 29, lot 1.

Total area 63.86 acres.

SOUTH HALFMOON CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 32, lot 2.

Total area 39.70 acres.

WELLS POND CAMPGROUND

T. 15 S., R. 25 E.,
Sec. 32, lots 3 and 4.

Total area 102.60 acres.

JUNIPER SPRINGS RECREATION AREA ADDITION

T. 15 S., R. 26 E.,
Sec. 21, lot 1, N½SE¼NW¼, except a strip of land 400 feet on each side of the center line of Florida Highway No. 40 which was withdrawn by PLO 1535, dated October 24, 1957.

Total area 113.20 acres.

GOBBLER LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 29, S½SE¼NE¼, N½NE¼SE¼.

Total area 40.00 acres.

EIGHTBALL LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 29, SW¼NE¼, NW¼SE¼, SE¼NW¼, NE¼SW¼.

Total area 160.00 acres.

WILDCAT LAKE PICNIC SITE

T. 15 S., R. 27 E.,
Sec. 30, W½NW¼SE¼, SW¼SE¼.

Total area 60.00 acres.

CROOKED LAKE CAMPGROUND

T. 15 S., R. 27 E.,
Sec. 33, NW¼.

Total area 160.00 acres.

GRASSHOPPER LAKES CAMPGROUND

T. 15 S., R. 27 E.,
Sec. 32, S½SE¼, E½SW¼;
Sec. 33, W½SW¼.
T. 16 S., R. 27 E.,
Sec. 5, NE¼SE¼, NE¼NW¼.

Total area 319.85 acres.

SQUAW POND CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 22, W½SE¼, NE¼SW¼.

Total area 120.67 acres.

LONG POND CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 27, W½W½;
Sec. 28, E½NE¼, NE¼SE¼.

Total area 280.38 acres.

TROUT POND PICNIC SITE

T. 16 S., R. 25 E.,
Sec. 32, NE¼SE¼.

Total area 39.20 acres.

LAKE CATHERINE CAMPGROUND ADDITION

T. 16 S., R. 25 E.,
Sec. 32, N½SW¼.

Total area 78.41 acres.

FISH TRAP PRAIRIE CAMPGROUND

T. 16 S., R. 25 E.,
Sec. 34, SW¼NW¼, NW¼SW¼.

Total area 79.48 acres.

YEARLING POND PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 13, lot 4.

Total area 80.00 acres.

BUCK LAKE CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 13, lots 7 and 8.

Total area 160.00 acres.

BUCKSHOT POND PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 13, S½ lot 9;
Sec. 24, N½ lot 2.

Total area 80.00 acres.

FARLES PRAIRIE CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 13, N½NW¼NW¼;
Sec. 14, N½NE¼NE¼.

Total area 40.04 acres.

TWIN POND CAMPGROUND

T. 16 S., R. 26 E.,
Sec. 14, SW¼NW¼, NW¼SW¼.

Total area 80.15 acres.

NAMELESS SINK PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 26, S½NE¼NE¼, N½SE¼NE¼.

Total area 40.22 acres.

BLUE SINK PICNIC SITE

T. 16 S., R. 26 E.,
Sec. 36, E½NW¼NW¼, W½NE¼NW¼.

Total area 40.00 acres.

BEAKMON LAKE PICNIC SITE

T. 16 S., R. 27 E.,
Sec. 5, NE¼SW¼.

Total area 39.92 acres.

BILLY'S BAY CAMPGROUND

T. 16 S., R. 27 E.,
Sec. 20, lots 2 and 3.

Total area 104.60 acres.

SWIM POND PICNIC SITE

T. 17 S., R. 25 E.,
Sec. 4, SW¼NE¼.

Total area 40.00 acres.

DOE POND CAMPGROUND

T. 17 S., R. 26 E.,
Sec. 17, NE¼NE¼.

Total area 40.14 acres.

LAKE EGRET PICNIC SITE

T. 17 S., R. 28 E.,
Sec. 2, S½ lot 7.

Total area 40.00 acres.

The areas described total in the aggregate 4,466.40 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 14, 1964.

[F.R. Doc. 64-8415; Filed, Aug. 19, 1964; 8:47 a.m.]

[Public Land Order 3434]

[New Mexico 0450803]

NEW MEXICO

Withdrawal for Water Pumping and Distribution Systems, Holloman Air Force Base

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for the protection of water pumping and distribution systems and sources of water supply of the Department of the Air Force at Holloman Air Force Base:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E.,
Sec. 31, NE¼SE¼;
Sec. 32, NW¼NW¼.

Aggregating approximately 80 acres of public lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 14, 1964.

[F.R. Doc. 64-8412; Filed, Aug. 19, 1964; 8:47 a.m.]

[Public Land Order 3433]

[Oregon 010359]

OREGON

Revocation of Certain Executive Order

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 4121 of January 9, 1925, which withdrew the following-described land in the State of Oregon in aid of legislation to authorize the use of such land for a fish hatchery, is hereby revoked:

WILLAMETTE MERIDIAN

T. 39 S., R. 22 E.,
Sec. 2, NE¼NW¼ (now lot 3).

Containing 39.70 acres.

2. The land is situated in Lake County, Oregon, about 13 airline miles southeast of the City of Lakeview. Topography is rough. Soils are shallow silty loam mixed with loose and solid rock.

3. Until 10:00 a.m. on February 13, 1965, the State of Oregon shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the land shall become subject to application, petition and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10:00 a.m. on February 13, 1965, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The land has been open to applications and offers under the mineral leasing laws. It will be open to location under the United States mining laws at 10:00 a.m. on February 13, 1965.

5. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application setting forth all facts relevant to their claims.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.
Assistant Secretary of the Interior.

AUGUST 14, 1964.

[F.R. Doc. 64-8411; Filed, Aug. 19, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Necedah National Wildlife Refuge, Wisconsin, is permissible only on the areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres and 98 percent of the total area of the refuge, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed deer and unprotected animals including coyote, fox and skunk, during the season specified below. The hunting of big game species as may be otherwise authorized by Wisconsin State regulations is prohibited.

(b) Open season: Early bow season, September 26 through November 17, 1964; gun season, November 21 through November 29, 1964; late bow season, December 5 through December 31, 1964. Hunting hours: from one-half hour before sunrise to sunset each day.

(c) Bag limit is one deer per person: Bow seasons, one deer of any age or sex; gun season, one deer, buck only, with antlers not less than three inches in length. Parties of four hunters qualifying under State regulations may kill one deer of either sex during gun season.

(d) Methods of hunting:

(1) Weapons—It is unlawful to hunt deer with any .22 rim-fire rifle or any .410 bore shotgun or any shotgun or musket charge other than single ball or slug. Bows used must have a pull of not less than 30 pounds. Arrows used must have well-sharpened metal broad head blades not less than seven-eighths of an inch long and not more than one and one-half inches in width.

(2) Blinds—may be constructed of dead materials only, no live trees or shrubs may be cut.

(3) The carrying of firearms by bow hunters is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective September 26 through December 31, 1964.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 13, 1964.

[F.R. Doc. 64-8439; Filed, Aug. 19, 1964; 8:49 a.m.]

PART 32—HUNTING

Clear Lake National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting; and is delineated on a map available at the refuge headquarters, Tule Lake, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay, Portland, Oregon, 97208.

Hunting of big game is permitted during the period August 22 through September 6, 1964, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective to September 7, 1964.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 13, 1964.

[F.R. Doc. 64-8422; Filed, Aug. 19, 1964; 8:47 a.m.]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Virginia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

The special regulation permitting big game hunting on the Chincoteague National Wildlife Refuge, Virginia, in § 32.32, published August 8, 1964 in the FEDERAL REGISTER, Volume 29, No. 155, Page 11457, is amended to further restrict the species permitted to be taken and to modify the description of weapons to be used as follows:

(a) Species permitted to be taken: Sika deer—any sex.

(b) Methods of hunting:

(1) Weapons: 20 gauge shotgun or larger loaded with slugs or buckshot, No. 1 or larger; archers must use broad head arrows with blades at least ⅞ inch wide and bows capable of propelling any arrow in their possession 125 yards.

The provisions of this special regulation are effective to December 31, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-8425; Filed, Aug. 19, 1964; 8:47 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from December 5 through December 6, 1964, inclusive, only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on a map available at the refuge headquarters, Las Cruces, New Mexico, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the late afternoon of December 4, 1964. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10:00 p.m. December 6, 1964.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The Refuge Manager in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

WILLIAM T. KRUMMES,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1964.

[F.R. Doc. 64-8423; Filed, Aug. 19, 1964; 8:47 a.m.]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer from August 22 through September 7, 1964, and antelope on the dates of August 22, 23, 24 and August 29, 30, 31, 1964, on the Ouray National Wildlife Refuge, Utah, is permitted but only on the area designated by signs as open to hunting. This open area, comprising 10,334 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian land east of Green River, as posted, requires the possession of a Ute Tribal permit.

(2) Hunting with bows and arrows only is permitted.

(3) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 7, 1964.

WILLIAM T. KRUMMES,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 13, 1964.

[F.R. Doc. 64-8424; Filed, Aug. 19, 1964; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Released Rates on Household Goods

In Part 49 CFR 187, § 187.201 as heretofore published consists of the text of Released Rates Order No. MC-2A entered January 29, 1948. That order was superseded by Released Rates Order No. MC-2-B entered April 21, 1953. Accordingly § 187.201 is corrected to reflect the provisions of the order of April 21, 1953.

§ 187.201 Released rates on household goods.

(a) *Establishment authorized; rate bases.* Subject to the conditions specified in paragraphs (b), (c) and (d) of this section, each motor common carrier performing the specialized service of a household goods carrier is authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act (49 U.S.C. 20(11), 319), commodity rates for the transportation, and charges for accessorial service in connection therewith, of household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, said rates and charges to be applicable only when the value declared by the shipper in writing or agreed upon in writing as the released value of the property is as follows:

Released values	*Rate and Charge Basis*
Applicable to entire shipment:	
Released to value not exceeding 30 cents per pound per article.	Base rate and charge.
Released to value exceeding 30 cents but not exceeding 75 cents per pound per article.	Not exceeding 110 percent of the base rate and charge.
Released to value exceeding 75 cents but not exceeding $1.50 per pound per article.	Not exceeding 120 percent of the base rate and charge.
Applicable to specific articles in the shipment: If the value per pound declared on any specific article or articles exceeds the value per pound declared for the entire shipment as provided for above, an additional charge which shall not exceed two percent (2%) of the total excess value declared for such article or articles may be made.	

(b) *Changes in rates.* Changes may be made in any rate or charge which may be established under the authority of this section, but the released valuations specified in this section may not be decreased, nor may the percentages of increase in the charge for excess released valuations (either for the entire shipment or for specific articles) be made greater than those specified herein, without the specific authority of the Commission.

(c) *Authority for released rates must be shown in tariff.* Tariffs containing released rates and charges filed under the authority of this section shall show in connection therewith the following notation:

Rates and charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC–2–B of April 21, 1953, subject to complaint or suspension.

(d) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under section 20(11) and section 219 of the Interstate Commerce Act, of any rates or charges that may be filed under authority of this section.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 219, as amended, 20, as amended, 49 Stat. 563, as amended, 24 Stat. 386, as amended, 49 U.S.C. 319, 20)

[SEAL] HAROLD D. McCOY, *Secretary.*

AUGUST 12, 1964.

[F.R. Doc. 64–8429; Filed, Aug. 19, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

FLOOR STOCKS REFUNDS OR CREDITS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

The following regulations are prescribed under section 6412 of the Internal Revenue Code of 1954, as amended, relating to floor stocks refunds in respect of certain articles subject to tax under chapter 32 of such Code:

§ 48.6412 Statutory provisions; floor stocks refunds.

Sec. 6412. *Floor stocks refunds*—(a) *In general*—(1) *Passenger automobiles, etc.* Where before July 1, 1965, any article subject to the tax imposed by section 4061(a)(2) has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1965, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1965, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1965, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1965, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund.

(2) *Trucks and buses, tires, tubes, tread rubber, and gasoline.* Where before October 1, 1972, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3), or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, 1972, if claim for such credit or refund is filed with the Secretary or his delegate on or before February 10, 1973, based upon a request submitted to the manufacturer, producer, or importer before January 1, 1973, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before February 10, 1973, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline. No credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(3) [Deleted]

(4) *Definitions.* For purposes of this section—

(A) The term "dealer" includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071(a)(4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(B) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(b) *Limitation on eligibility for credit or refund.* No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this section.

(c) *Other laws applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4061, 4071, and 4081 shall, insofar as applicable and not inconsistent with subsections (a) and (b) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if such credits or refunds constituted overpayments of such taxes.

(d) [Deleted]

(e) *Cross reference.* For floor stocks refunds in case of certain alcohol and tobacco taxes, see sections 5063 and 5707.

(Sec. 6412 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3(b)(3), Tax Rate Extension Act 1959 (73 Stat. 158); sec. 201(c)(4), Federal-Aid Highway Act 1959 (73 Stat. 614; sec. 202(b)(3), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 206 (c) and (d), Federal-Aid Highway Act 1961 (75 Stat. 127); sec. 3(b)(3), Tax Rate Extension Act 1961 (75 Stat. 193; sec. 302(d) Tariff Classification Act 1962 (76 Stat. 77); sec. 3(b)(3) Tax Rate Extension Act 1962 (76 Stat. 114); sec. 3(b)(1)(C), Tax Rate Extension Act 1963 (77 Stat. 72); sec. 2, Excise-Tax Rate Extension Act 1964 (78 Stat. 237))

§ 48.6412–1 Refund or credit in respect of floor stocks.

(a) *In general*—(1) *Refund or credit.* A manufacturer, producer, or importer who pays a tax imposed by section 4061(a)(1) or (2), relating to motor vehicles, section 4071(a)(1), (3), or (4), relating to tires, tubes, or tread rubber, or section 4081, relating to gasoline, with respect to an article which is held by a dealer as floor stocks, as defined in paragraph (b) of this section, is entitled to credit or refund of such tax to the extent provided by section 6412 of the Code and by this section. No interest is allowable with respect to any amount of tax refunded or credited under section 6412(a).

(2) *Exception.* (i) No refund or credit is allowable under section 6412 with respect to gasoline in retail stocks held at the place where it is intended to be sold at retail. For this purpose, gasoline is considered to be in retail stocks, and no refund or credit is allowable under section 6412 with respect thereto, if the gasoline is held in those tanks from which it is delivered directly through gasoline pumps to the ultimate consumer. Gasoline is not considered as held in retail stocks, however, if it is held in bulk storage tanks for replenishment of the supply in the tanks serving the retail gasoline pumps, even though such gasoline may be held in storage tanks or in tank cars on premises occupied by a retail establishment.

(ii) No refund or credit is allowable under section 6412 with respect to gasoline held for sale by a producer or importer of gasoline.

(iii) No refund or credit is allowable under section 6412 with respect to inner tubes for bicycle tires, as defined in section 4221(e)(4)(B).

(iv) No refund or credit is allowable under section 6412(a) for an amount paid as tax which may be refunded or credited under any provisions of law other than section 6412(a).

(3) *Other provisions applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by sections 4061, 4071, and 4081 shall, insofar as applicable and not inconsistent with section 6412, apply in respect of the refunds and credits provided for in section 6412(a) to the same extent as if the refunds and credits constituted overpayments of the taxes. For provisions relating to the imposition of the taxes,

see Subpart H of the regulations in this part. For provisions under which timely mailing is treated as timely filing, and for provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday, or a legal holiday, see §§ 301.7502–1 and 301.7503–1 of this chapter, respectively (Regulations on Procedure and Administration).

(b) *Definitions.* For purposes of this section—(1) *Article.* The term "article" includes gasoline.

(2) *Floor stocks.* The term "floor stocks" means any article subject to a tax referred to in section 6412(a) which (i) is sold by the manufacturer, producer, or importer thereof before the date (designated in section 6412(a)) on which such tax is reduced in rate or is terminated, (ii) is held by a dealer on the first moment of such date and has not been used, and (iii) is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use).

(3) *Dealer.* The term "dealer" includes a wholesaler, jobber, distributor, or retailer, or, in the case of tread rubber subject to tax under section 4071(a)(4), includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(4) *Held by a dealer.* An article is considered as "held by a dealer" if title to the article has passed to the dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer. For example, an article which is mortgaged by a dealer to a finance company as security for a loan is considered as held by the dealer even though he transfers title or possession to the finance company, because the article is not so transferred for purposes of consumption. If a dealer has title to an article, the article is regarded as held by him even though it is in transit, in storage, or at a distribution point. If title does not pass until delivery, an article in transit is considered to be held by the shipper.

(5) *Old rate.* The term "old rate" means the rate of tax in effect with respect to the sale of an article before the date (designated in section 6412(a)) on which such tax is reduced in rate or is terminated.

(6) *New rate.* The term "new rate" means the rate of tax, if any, in effect with respect to the sale of an article on or after the date (designated in section 6412(a)) on which such tax is reduced in rate or is terminated.

(7) *Dealer request limitation date.* The term "dealer request limitation date" is the date which appears at the end of the phrase "based upon a request submitted to the manufacturer, producer, or importer before" as that phrase appears in the applicable paragraph of section 6412(a).

(8) *Claim limitation date.* The term "claim limitation date" means the last date (designated in section 6412(a)) on which refund or credit with respect to floor stocks may be claimed by a manufacturer, producer, or importer.

(c) *Participation of dealers.* Before the dealer request limitation date a dealer may submit to a manufacturer, producer, or importer a request for an amount representing the refund or credit allowable under section 6412(a) for tax paid by such manufacturer, producer, or importer with respect to articles held by such dealer as floor stocks. No amount of refund or credit under section 6412(a) may be claimed by a manufacturer, producer, or importer with respect to articles held by a dealer as floor stocks unless—

(1) The claim for such amount is based on a request for payment submitted by the dealer to the claimant before the dealer request limitation date; and

(2) Such amount is paid by the claimant to the dealer, or the dealer's written consent to allowance of the refund or credit has been received by the claimant on or before the claim limitation date.

Payment may be made directly to the dealer by the claimant or by the claimant's authorized agent or representative. Payment may also be made to the dealer's agent or representative authorized by him to receive the payment. Where a claimant pays a dealer through the claimant's agent or representative the evidence must show that the dealer actually received the payment. Where a dealer authorizes the claimant to pay him through the dealer's agent, evidence showing payment to such agent by the claimant will be accepted as proof of actual payment to the dealer. Payment shall be made, at the dealer's option, in cash, other merchandise, or by credit to the dealer's account as maintained by the claimant. The amount of the payment which may be made by crediting such account may not exceed the debit balance shown therein at the time payment is made. The date on which any act described in this paragraph is performed by an agent on behalf of a claimant or dealer shall be deemed to be the date on which the act is performed by the principal. For provisions relating to the record of dealer's inventories to be kept by the claimant see paragraph (e)(2) of this section.

(d) *Claim for refund or credit*—(1) *In general.* Each claim for refund or credit under section 6412(a) shall be filed on or before the applicable claim limitation date, in the manner and subject to the conditions stated in this section and in § 301.6402–2 of this chapter (Regulations on Procedure and Administration). Either refund or credit, or both, may be claimed, but the amount which may be claimed as credit on a return shall not exceed the total tax liability shown on the return, reduced by the amount of any depositary receipts accompanying the return, and by any amount of credit claimed on the return pursuant to any provision of law other than section 6412(a). If the total amount which may be claimed exceeds the amount that may be claimed as credit on a return, the excess amount may be claimed on or before the applicable claim limitation date either as a refund or as a credit on a subsequent return. If credit is claimed the amount thereof shall be entered as a credit on a timely-filed return of tax under chapter 32 and a claim on Form 843 is not required.

(2) *Supporting evidence to be submitted.* No refund or credit shall be allowed unless there is submitted in support of the claim for refund or credit, a statement, signed by the person making the claim, that describes in general terms the articles covered by the claim, sets forth the computation of the amount claimed, and establishes that—

(i) The claimant paid the tax, credit or refund of which is claimed, to the district director;

(ii) The total amount claimed represents payments requested by dealers before the dealer request limitation date;

(iii) Before the claim is filed, the total amount claimed either was paid by the claimant to such dealers, or the claimant received the written consent of the dealers to the allowance of the amount claimed;

(iv) The claimant has in his possession, and available for inspection by internal revenue officers, the evidence with respect to inventories required by paragraph (e) of this section, and any written consents referred to in subdivision (iii) of this subparagraph; and

(v) No other claim for refund or credit under section 6412(a) has been, or will be, made with respect to any article covered by the claim.

In addition, the statement shall show the amount and date of filing of each previous or concurrent claim for refund or credit under section 6412(a).

(3) *Computation.* (i) Subject to the conditions set forth in this section, the amount of credit or refund of tax which may be claimed by a manufacturer, producer, or importer pursuant to section 6412(a) with respect to articles held as floor stocks is an amount equal to the difference between such tax paid by him at the old rate on his sale of such articles and the tax, if any, which would be imposed at the new rate on the sale of such articles. The amount to be refunded or credited under this section, however, shall in no case exceed the sum of—

(*a*) The total amount which such manufacturer, producer, or importer pays to dealers on or before the claim limitation date pursuant to requests received from the dealers before the dealer request limitation date, and

(*b*) The total amount covered by written consents received on or before the claim limitation date, from dealers whose requests for payments are received before the dealer request limitation date, but to whom payment is not made on or before the claim limitation date.

For provisions relating to payments to dealers, and consents from dealers, see paragraph (c) of this section.

(ii) For purposes of the computation of the amount of the credit or refund, the tax paid by the claimant at the old rate should be determined in accordance with the regulations in this part relating thereto. If it is impracticable to ascertain the actual tax paid with respect to an article, the claimant may determine the amount of tax on the basis of any

other method acceptable to the Internal Revenue Service. Any request for approval of such a method shall be submitted to the office of the district director of internal revenue with whom the claimant will file the claim for refund or credit, in sufficient time for approval or disapproval of the method before the time fixed for filing the claim. If the amount of tax is determined on a basis other than the actual tax paid on each article, the basis on which the amount of tax is computed must be determined in accordance with the provisions of law, including section 4216, applicable in determining the price of articles and of the regulations relating thereto. The basis used in determining the total tax paid at the old rate shall also be used in determining the tax which would be imposed at the new rate.

(e) *Evidence to be retained*—(1) *In general.* Every person filing a claim for refund or credit pursuant to this section shall support the claim by keeping as part of his records the evidence required by this paragraph. For other provisions relating to records, and to the period for retention of records, see the regulations in this part under section 6001.

(2) *Inventories.* Every person filing a claim under section 6412(a) shall retain inventories of all floor stocks of articles held by dealers, to the extent that the articles are covered by the claim, including such descriptions, model numbers, and the like, as may be appropriate for identification of the articles. In addition, the claimant shall retain a record, in respect of such articles held by each dealer, showing (i) the name and address of the dealer, (ii) the quantities of articles held by the dealer as floor stocks, (iii) the amount of tax paid by the claimant on the sale of such articles, and (iv) the amount of tax which the claimant would pay on the sale of such articles if the tax were computed at the new rate. For provisions relating to the determination of the amount of tax, see paragraph (d) (3) (ii) of this section.

(3) *Requests for payments, and payments or consents.* Every person filing a claim under section 6412(a) shall retain a record, in respect of each dealer who held articles covered by the claim, showing (i) the name and address of the dealer, (ii) the date on which the claimant received from the dealer a request for payment as set forth in paragraph (c) of this section, and (iii) the date and amount of each payment to a dealer, or the date of receipt by the claimant from the dealer of written consent, as set forth in paragraph (c) of this section. In addition, the claimant shall retain any such written consent as a part of his records.

(f) *Effect on other claims for refund or credit.* If a claim for credit or refund is made pursuant to section 6416 (relating in part to returned sales, sales for export or for exempt use, sales to States, etc.) with respect to a tax imposed by section 4061(a) (1) or (2), 4071(a) (1), (3), or (4), or section 4081, and if the claim is made with respect to articles sold by the claimant before the date on which the tax is reduced in rate or is terminated, the claim shall be based on the new rate of tax unless the claimant can establish that the tax was imposed at the old rate and that no refund or credit under section 6412 was allowed with respect to the articles.

[F.R. Doc. 64-8441; Filed, Aug. 19, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43a]

MEMBERSHIP ROLL OF PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the Act of September 5, 1962 (76 Stat. 429), it is proposed to amend §§ 43a.1, 43a.3, 43a.5, and 43a.11 of Title 25, Code of Federal Regulations to read as set forth below. The purpose of the amendment is to conform certain language in the regulations to the language used in the Act, supra, regarding reference to blood degree of the Ponca Tribe of Native Americans of Nebraska, and to more fully reflect the intent of the Congress as to Indians eligible to enroll as members of the Tribe.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 43a.1(i) is amended to include all descendants of enrolled members in the definition for "descendants." As so amended, § 43a.1(i) reads as follows:

§ 43a.1 Definitions.

As used in this Part 43a:

* * * * *

(i) "Descendants" means those persons who have issued from an enrollee and include the enrollee's children, grandchildren, and so on, who possess at least one-fourth degree of Indian blood of the Ponca Tribe.

2. Sections 43a.3(a) (1) and (2) are amended to further define eligibility for enrollment more fully reflecting the intent of the Congress in the Act, supra. As so amended, § 43a.3(a) (1) and (2) read as follows:

§ 43a.3 Eligibility for enrollment.

(a) The following shall be eligible for enrollment:

(1) Those persons whose names appear on the census roll of April 1, 1934, and the January 1, 1935, supplement thereto, or are entitled to appear thereon, and who were living on September 5, 1962.

(2) Descendants, regardless of residence, who were living on September 5, 1962, and who possess not less than one-fourth degree of Indian blood of the Ponca Tribe. All available records will be used in determining degree of Indian blood of the Ponca Tribe possessed by descendants.

* * * * *

3. Section 43a.5(b) (2) is amended to conform the wording in reference to Indian blood to the wording of the Act, supra. As so amended, § 43a.5(b) (2) reads as follows:

* * * * *

§ 43a.5 Application forms.

(b) Among other information, each application requires:

(2) Degree of Indian blood of the Ponca Tribe.

* * * * *

4. Section 43a.11(a) is amended for the same purpose as shown in Item 3, above. As so amended, § 43a.11(a) reads as follows:

§ 43a.11 Preparation of final roll.

(a) When final determinations have been made by the Secretary on all appeals, the Commissioner shall prepare a final roll of the tribe. The final roll shall contain for each person the final roll number, proposed roll number, name, address, sex, date of birth, and degree of Indian blood of the Ponca Tribe. There shall also be provided a "remarks" column for the purpose of identifying the enrollee through whom enrollment rights were established.

* * * * *

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 14, 1964.

[F.R. Doc. 64-8421; Filed, Aug. 19, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1964-65 Fiscal Year

Consideration is being given to the following proposals submitted by the Tokay Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning April 1, 1964, and ending March 31, 1965, to enable it to perform its functions in accordance with the provisions of the said amended marketing agreement and order will amount to $42,526.

(b) That the Secretary of Agriculture fix, as the share of such expenses which

each handler who first handles Tokay grapes shall pay as his pro rata share during the fiscal period ending March 31, 1965, in accordance with the applicable provisions of said amended marketing agreement and order, the rate of assessment of twelve mills ($0.012) per standard package, or equivalent quantity handled by such handler during such fiscal period.

(c) Terms used in the amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 17, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-8454; Filed, Aug. 19, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

Extension of Time for Comments on Amendments Proposed by Millers National Federation

By an announcement of proposed rulemaking published in the FEDERAL REGISTER of June 6, 1964 (29 F.R. 7392) interested persons were invited to file comments on proposed amendments of the standards for wheat flour proposed in a petition filed by The Millers National Federation. The petitioners have now requested that this time be extended. *Accordingly, it is ordered,* That the time for filing comments on the subject proposal be extended to September 1, 1964.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1040, 1055 as amended; 21 U.S.C. 341, 371), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: August 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-8426; Filed, Aug. 19, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Reg. Docket No. 14790]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS

Proposed Accounting for Investment Tax Credits; Supplemental Notice

AUGUST 17, 1964.

The Board, by publication in 28 F.R. 10785 and by circulation of a notice of proposed rule making, EDR-61, dated October 2, 1963, gave notice that it had under consideration proposed amendments to Part 241 of the Economic Regulations (Uniform System of Accounts and Reports for Certificated Air Carriers) to prescribe accounting requirements for investment tax credits under section 38 of the Internal Revenue Code. Since these proposals were based upon provisions of the Revenue Act of 1962, and since the Revenue Act of 1964 (Public Law 88-272) modified the 1962 Act with respect to the investment tax credit, the Board revised its proposed amendments and issued a supplemental notice of proposed rule making, EDR-61B, dated July 9, 1964, which was circulated and published in 29 F.R. 9540. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of written data, views or arguments pertaining to the revised proposed amendments, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before August 12, 1964. The time for filing comments was subsequently extended to August 26, 1964, by EDR-61C (29 F.R. 11501).

Inquiries received from industry representatives indicate that there may be some misunderstanding of the alternative accounting procedure for the investment tax credit proposed in EDR-61B. It is understood that the alternative accounting has been interpreted in some cases as representing an extension of, or addition to, the accounting requirement set forth in the proposed rule. The intent was, and is, that the alternative would be in lieu of the rule proposed. In other words, two completely independent, alternative methods are advanced. Under the proposed method, investment tax credits would be taken into income only as realized in settlement of tax liabilities. Under the alternative method, on which particular comment was invited, total estimated tax credits which become available and are reasonably expected to be realized within the carry-over period, would be taken up as deferred credits and amortized ratably over the current year and the five-year carry-forward period.

In view of the apparent misunderstanding as to the nature of the alternative proposal, the undersigned finds that good cause has been shown for extending the time for filing comments on EDR-61B.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until September 15, 1964. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) and 1001 of the Federal Aviation Act of 1958, 72 Stat. 743 and 788; 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64-8483; Filed, Aug. 19, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SO-17]

FEDERAL AIRWAYS

Proposed Realignment

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would realign VOR Federal Airway No. 176 between Holly Springs, Miss., and Birmingham, Ala., via a new VOR to be established near Hamilton, Ala., at latitude 34°11'42" N., longitude 88°00'45" W., and redesignate the Hamilton intersection reporting point at the Hamilton VOR.

Victor 176 is presently designated in part from Holly Springs direct to Birmingham. The proposed realignment would be from Holly Springs, via Hamilton, the intersection of Hamilton 122° and the Birmingham 298° True radials to Birmingham. Designation of Victor 176 via the new VOR would provide more precise navigation between Holly Springs and Birmingham, and would allow the minimum en route altitude to be lowered from 4,000 feet to 2,000 feet. The present alignment of Victor 176 north alternate between these points would be retained.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency,

Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 12, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8401; Filed, Aug. 19, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-23]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration a proposal submitted by the Air Transport Association of America requesting the designation of controlled airspace so as to provide protection for scheduled air carrier flights which operate directly between Holly Springs, Miss., and Tupelo, Miss. Accordingly, the FAA proposes to alter the Tupelo transition area to include the airspace northwest of Tupelo extending upward from 1,200 feet above the surface bounded on the northeast by a line 4 nautical miles southwest of and parallel to the Holly Springs, Miss., VOR 115° True radial, on the southeast by the Tupelo 18 statute mile radius area, on the southwest by a line 4 nautical miles southwest of and parallel to the Holly Springs VOR 133° True radial and on the west by the Memphis, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangments for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 12, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8402; Filed, Aug. 19, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte MC-19 (Sub-No. 1)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS—ACCESSORIAL AND TERMINAL SERVICES

Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August A.D. 1964.

It appearing, that the Household Goods Carriers' Bureau filed a petition on June 16, 1964, requesting the institution of a rule-making proceeding under modified procedure for the purpose of amending § 176.4 of the Code of Federal Regulations, 49 CFR 176.4 (Accessorial or terminal services; tariffs providing therefor; packing and uncrating charges), as hereinafter described, to which no replies were filed.

It is ordered, That (1) the petition be, and it is hereby, granted, and (2) a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act (section 217) and section 4 of the Administrative Procedure Act for the purpose of determining to what extent § 176.4 should be amended. As here pertinent said section reads as follows:

(a) Such common carriers shall establish in the manner prescribed in section 217 of Part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor. * * *

It is proposed by petitioner that the period following "therefor" be stricken and the following language, preceded by a comma, added: *"Provided,* That such tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated in the tariff for the service so requested."

It is further ordered, That any interested parties, including shippers or carriers of any mode, whether or not subject to the Interstate Commerce Act, be, and they are hereby, invited to submit to this Commission, on or before September 22, 1964, written representations consisting of an original and 20 copies, setting forth their views. Replies thereto must be filed on or before October 22, 1964.

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State having jurisdiction over transportation by motor common carrier; that a copy be posted in the office of the Secretary of the Interstate Commerce Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-8430; Filed, Aug. 19, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 4]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Business for Marine Cargo Handling Industry

Notice is hereby given that the Administrator of the Small Business Administration proposes, for the purpose of Government procurement, to amend the Small Business Size Standards Regulation (Revision 4) by establishing a specific definition of a small business concern in the marine cargo handling industry (Standard Industrial Classification Industry No. 4463).

The present small business size standard for bidding on Government contracts for marine cargo handling is a concern which, including its affiliates, has total average annual receipts of $1 million or less for the preceding three fiscal years.

The marine cargo handling industry consists of concerns engaged in activities directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or intransit area until cargo loading or unloading operations are completed. This industry

includes ship hold cleaning, and the operation and maintenance of piers, docks, and associated buildings and facilities.

Economic data presently available to the Small Business Administration (SBA) shows that the present $1 million small business size standard for this industry is too low.

Based on a recent study, SBA has determined that a more appropriate definition of a small business for the purpose of Government procurements for marine cargo handling contracts would be a concern with average employment not exceeding 500 persons. Therefore, it is proposed to define a concern in such industry as a small business if, together with its affiliates, it has total average employees of 500 or less for the preceding four calendar quarters.

Interested persons may file with the Small Business Administration within thirty days after publication in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposed change.

All correspondence shall be addressed to:

Office of Economic Adviser, Small Business Administration, Washington, D.C. 20416.

It is proposed to establish the definition of a small business in the marine cargo handling industry as follows:

The Small Business Size Standards Regulation (Revision 4) (29 F.R. 86), as amended (29 F.R. 2988, 3222, 6945, 7312), is hereby further amended by adding new subparagraph (2) to paragraph (e) of § 121.3–8 thereof to read as follows:

§ 121.3–8 Definition of Small Business for Government Procurement.

* * * * *

(e) *Services.* * * *

(2) Any concern bidding on a contract for marine cargo handling services is classified as small if its number of employees does not exceed 500 persons.

* * * * *

Dated: August 12, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64–8324; Filed, Aug. 19, 1964; 8:51 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF KANSAS

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Kansas for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Kansas and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Kansas regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 4th day of August 1964.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary to the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF KANSAS FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Kansas is authorized under Chapter 290 of the 1963 Session Laws of the State of Kansas to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Kansas certified on July 24, 1964, that the State of Kansas (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on January 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

POLICIES AND PROCEDURES

Introduction

Foreword. The following narrative presents a brief description of the history, practices, capabilities and proposed activities of the Industrial, Radiation and Air Hygiene Program of Environmental Health Services, Kansas State Department of Health, particularly as they relate to the assumption of certain regulatory functions of the United States Atomic Energy Commission.

Section 274b of the Atomic Energy Act of 1954, as amended, authorizes the Atomic Energy Commission to enter into an agreement with the Governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass. Discontinuance of the Federal government's responsibilities with respect to these sources of ionizing radiation and assumption thereof by the State is made

when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer licensing and regulatory authority of such sources.

The Nuclear Energy Development and Radiation Control Act, Chapter 290, 1963 Legislature, State of Kansas, authorizes the Governor of Kansas to enter into agreements with the Federal government, to appoint from among the residents of the State a Nuclear Energy Advisory Council; and designates the Kansas State Board of Health as the official agency responsible for radiation control. Further, the Act: Instructs the Board, (a) to develop programs for evaluation of hazards associated with the use of radiation, (b) develop programs, with due regard for compatibility with Federal programs, for regulation and inspection of byproduct, source and special nuclear materials; and authorizes the Board, (a) to require licensing or registration of all sources of ionizing radiation, (b) to provide for recognition of other State or Federal licenses, and (c) to enter into, subject to the approval of the Governor, an agreement or agreements with the Federal government, other States or intrastate agencies, for inspections or other functions relating to the control of ionizing radiation. The Act provides that the State regulatory program will be maintained so as to provide for compatibility with the regulatory programs of the Federal government and, insofar as possible, with the regulatory programs of other States.

Attached to this narrative are copies of the Proposed Agreement, the Nuclear Energy Development and Radiation Control Act, the Kansas Radiation Protection Regulations, various forms and résumés, and a statement of the policies and procedures to be utilized by the Radiological Health Section of the Industrial, Radiation and Air Hygiene Program of Environmental Health Services, Kansas State Department of Health pursuant to an agreement between the United States Atomic Energy Commission and the State of Kansas.

History. The Kansas State Department of Health has been involved in radiological health activities since the mid-1940's through the industrial hygiene, (or occupational health) programs where occupational radiation exposures were encountered. Problems at that time included radiation exposures in radium dial painting, industrial radiography, and the use of thorium in the manufacture of lamp and lantern mantles.

In 1949 the State Board of Health was designated by the Governor as the State agency to receive and be responsible for keeping data and information from the Atomic Energy Commission concerning those persons and organizations in Kansas who were issued authorizations to acquire and use radioactive isotopes produced in the atomic energy program. Since that time, personnel of the Department of Health have made joint inspections with the representatives of the Atomic Energy Commission of those holders of authorizations; and since 1957 when the authorization program was changed to a licensing program, of those licensees of the Atomic Energy Commission who are licensed to possess and use byproduct, source and special nuclear materials.

In 1950 the State Board of Health adopted a regulation requiring the placarding of all shoe fitting flouroscopes in the State with appropriate warning signs. In connection with this regulation, Department personnel conducted a radiation survey of all the shoe fitting fluoroscopes in the State.

In October of 1956 a Radiological Health Advisory Committee to the State Board of Health was assembled for the purpose of advising the staff of the Department on technical matters relating to radiation problems and to recommend to the Board such action as the Committee might deem desirable. The membership of the Committee included individuals especially qualified to represent the various fields of endeavor where radiation is utilized such as: medicine, dentistry, industry, agriculture, research, and teaching. This Committee worked with the staff in all important phases of the program, particularly in the formulation of radiation protection regulations and proposed legislation. The State Board of Health adopted a regulation prohibiting shoe fitting fluoroscopes, and requiring registration of radiation sources, and the Board supported a radiation protection act which was adopted by the 1959 Legislature.

The Radiation Protection Act of the 1959 Legislature gave the State Board of Health broad responsibility and authority for radiation protection, required registration of all radiation sources in the State, and required adoption of necessary regulations by the Board. This legislative session also produced an Atomic Energy Development Act which empowered the Governor to appoint a Governor's Atomic Energy Advisory Council and a Coordinator of Atomic Energy Development Activities. The Council was charged with the responsibility of advising the Governor and Coordinator concerning the development, utilization and regulation of atomic energy and other forms of radiation.

After two years of study and development by the Department staff and the Radiological Health Advisory Committee to the State Board of Health, a comprehensive set of Radiation Protection Regulations was completed. These regulations were approved by the Governor's Atomic Energy Advisory Council, and after a public hearing, adopted by the Board, becoming effective September 1, 1961.

The 1961 regulations provided for the registration of all sources of ionizing radiation with the Department of Health and for appropriate control of these sources. The Department developed a comprehensive radiation control program designed to govern and ensure safeguards for the various aspects of use, transfer, storage and disposal of radiation sources and machines. This program expanded with the increasing use of radioactive sources, X-ray machines and other radiation producing equipment.

The primary emphasis in the radiation control program has been placed on those radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission such as X-ray machines and radium sources. As of January 1, 1964, there were approximately 2500 X-ray machines and 65 radium users in the State. Periodic, routine inspectional surveys are conducted to determine and correct radiological health hazards associated with the use of medical, dental, and industrial radiographic X-ray installations, and radium users. As of January, 1964, approximately 50 percent of the X-ray installations have been surveyed, and approximately 75 percent of the radium installations have been surveyed. This survey work is increasing rapidly as the Department staff grows, allowing a sufficient number of manhours to be devoted to the inspection program.

Additional program areas were developed in order to provide a complete and comprehensive radiation control program. These activities included a program of environmental monitoring for air, surface water, and milk; vehicle registration and identification for those vehicles transporting sources of ionizing radiation within the State; radioactivity countermeasures evaluations and planning; and an emergency plan for handling incidents involving transport of radioactive materials.

Current inspections of installations include a complete review by the inspector of the user's equipment and facilities; the method and equipment for handling and storage of radioactive materials; interviews with the personnel responsible for both radiation safety and actual operations using the radioactive material; survey methods and results; posting and labeling of the sources and areas with the proper signs and labels; methods and effectiveness of maintaining control of individuals in restricted areas; records of receipts, transfers, inventories, and disposal of radioactive materials or machines; and disposal of radioactive materials to the sewer system or the soil. Inspection procedures of this general type will be used in the future for inspections of all installations using radioactive material and/or radiation producing machines.

Program Description

The Radiation Control Program proposed under an agreement will be conducted by the Radiological Health Section of the Industrial, Radiation and Air Hygiene Program, Environmental Health Services, Kansas State Department of Health.

Licensing and registration. The State program will control all sources of ionizing radiation, other than those sources for which regulatory authority has been retained by the Atomic Energy Commission. Provisions have been made for the issuance of general and specific licenses for radioactive materials. Such licenses are required for the receipt, use, possession, transfer or disposal of all radioactive materials regardless of the form of such materials. Allowances have been made for exemptions of certain items which contain less than specified amounts of radioactive material of particular types. Examples of such exemptions are those for certain luminous timepieces, automobile lock illuminators, and thorium lamp and lantern mantles. Under the provisions of the regulations:

1. General licenses are effective without the filing of applications with the Department or the issuance of licensing documents to particular persons. The State will issue general licenses under specified circumstances when more stringent control by specific licenses is found to be unnecessary to protect public health and safety.

2. Specific licenses are issued by the State of Kansas to named persons upon applications filed pursuant to the regulations. Basically the regulations regarding specific licenses require that:

(a) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested;

(b) The applicant's proposed location, equipment, facilities, and procedures are adequate to protect health and minimize danger to life and property;

(c) The issuance of the license will not be inimical to the health and safety of the public;

(d) The material may be used only for the purpose authorized in the license;

(e) The material may not be transferred except to a person or persons authorized to receive it.

Every person not already registered who possesses a registrable item (any radiation machine capable of producing radiation), on the effective date of the regulations is required to re-register with the Department within 60 days of the effective date. Persons who acquire possession of a registrable item subsequent to the effective date are required to register within 30 days of the acquisition of such item or items.

A Medical Advisory Committee to the Radiological Health Section, consisting of three radiologists, one internist, one hematologist and one surgeon, which has a thorough knowledge and working experience with the use of radioactive materials in the practice of medicine, will be used for consultations and recommendation concerning license applications for the human use of radioactive materials. As general guides in the evalua-

tion of license applications, the Radiological Health Section and the Medical Advisory Committee will utilize applicable criteria as presented by Atomic Energy Commission publications including: "Licensing Requirements for Teletherapy Programs," "Licensing Requirements for Broad Licenses for Research and Development" "Licensing Requirements for Broad Medical Use," and "Medical Use of Radioisotopes." The Radiological Health Section and the Medical Advisory Committee will also maintain knowledge of current developments, techniques, and procedures for medical uses by contact and correspondence with the Atomic Energy Commission, and other agreement States.

Inspection. Periodic inspections will be conducted to determine a licensee's or registrant's degree of compliance with regulations and license conditions. These inspections will be performed by personnel of the Radiological Health Section who are qualified to evaluate radiological health hazards and are conversant with the regulations.

The majority of the inspections will be unannounced. The following frequency is planned, but may be either increased or decreased depending upon individual circumstances:

Industrial radiographers—once each 6 months.
Operations involving waste disposal—once each 6 months.
Broad licenses—Industrial, medical, academic—once each 12 months.
Specific licenses—Industrial, medical, academic—once each 24 months.
Other—Time available basis.

It is expected that all licensed activities will be inspected at least once in every two-year period.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipment, facilities and handling or storage of radioactive material; the procedures in effect, including actual operation; and interviewing of personnel directly involved. The inspectors will review the licensee's survey methods and results, personnel monitoring practices and results, posting and labeling used, the instructions to personnel and the methods and apparent effectiveness of maintaining control of individuals in the controlled area. The inspector will also review the licensee's record of receipts, transfers, and inventory of licensed material. He will examine records concerning any disposals which might have been made. He may make measurements of radiation levels. Before the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his supervisor of all the facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations for corrective action. Recommendations made by field personnel will be subject to critical review by senior members of the Industrial, Radiation and Air Hygiene Program and the Director of Environmental Health Services.

Licensees and registrants will be informed of the results of all inspections, first orally at the time of the inspection, and finally, furnished with a written report or notice from the Department.

In addition there will be investigations of all incidents and reasonable complaints involving licensed or registered sources of radiation to determine the cause, the measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and steps taken by the licensee to avoid a recurrence of the incident.

Compliance and enforcement. Reports of inspections of licensee's and/or registrant's activities will be evaluated to determine the degree of compliance of the licensees and registrants with the Board's regulations, and registration or license conditions. If no items of noncompliance are observed, the person will be so informed. For minor items of noncompliance, which the licensee agrees to correct at the time of the inspection, the licensee will be informed by letter. This notification will inform the licensee of the items of noncompliance, and that corrective action taken by the licensee will be reviewed during the next inspection.

If the inspection reveals items of noncompliance of a more serious nature, the licensee will be informed by letter of the items of noncompliance and required to reply, usually within 15–30 days, as to the corrective action taken and the date completed. The Department will then conduct a followup inspection or the matter will be reviewed during the next regular inspection to ensure that the corrective action has in fact been accomplished.

Whenever, in the judgment of the Board, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of the Act or any rule, regulation or order issued thereunder, the Attorney General is empowered to make application for a court order enjoining such acts or practices, or for a court order directing compliance.

Whenever the Executive Secretary of the Board finds that an emergency exists requiring immediate action to protect public health and safety, he may without notice issue an emergency order reciting that an emergency exists and requiring that such action be taken as is necessary to meet the emergency.

The full legal procedures will normally be employed only in those instances where there is continued and repeated noncompliance, existence of a state of emergency, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Section 9 of the Act empowers the Board or its duly authorized representatives to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of the Act, and rules and regulations of the Board issued under the Act.

Administrative procedure and judicial review. Section 8 of the Nuclear Energy Development and Radiation Control Act provides for a hearing, at the written request of any person whose interest may be affected by the proceeding, when the Board issues or modifies rules or regulations, grants, suspends, revokes or amends any license.

Whenever the Executive Secretary of the Board finds that an emergency exists, he may without notice issue an emergency order. Such order may be issued orally, and confirmed by written order mailed within twenty-four (24) hours after issuance of the oral order. This emergency order is effective immediately and the person(s) to whom the order is directed shall comply therewith immediately. Any person aggrieved by the issuance of such an emergency order has the right to request a hearing within fifteen (15) days of the issuance of the order. If a hearing is requested, the hearing must be held within thirty (30) days. Upon the basis of the decision reached at the hearing, the Board shall issue an order containing the determination of its findings to the alleged violator within thirty (30) days after the conclusion of the hearing.

An appeal may be taken from any final order or final determination of the Board by any person adversely affected thereby. Jurisdiction for all such appeals is vested solely in the District Court of Shawnee County, Kans.

Organization, procedures and staffing. The authority of the State Health Officer includes delegation of pertinent responsibilities subject to approval by the State Board of Health. This is accomplished by delegation of administrative direction to the service directors of the Department, and through them to specified staff members and certain personnel involved in full-time and part-time direction and implementation of specific departmental programs.

The Radiation Control Program is conducted by the Chief of the Radiological Health Section. The planning and direction of this program is the responsibility of the Director of the Industrial, Radiation and Air Hygiene program and the Director of Environmental Health Services, together with the Chief of the Radiological Health Section. Implementation of the specific responsibilities included in radiation control is accomplished by the Supervisors of Licensing and Registration, Environmental Surveillance, and Field Inspection and Surveys. Laboratory support services for these responsibilities are conducted by the Industrial, Radiation and Air Hygiene Laboratory which is under the direction of the Supervisor of Environmental Surveillance. Organizational charts are provided in the attachments to the narrative for further references.

Authority and responsibility for administering Kansas Radiation Protection Regulations, covering the statutory licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, has been assigned to the Chief of the Radiological Health Section. Under his direction, applications for licenses will be approved or disapproved. He will issue denials for cause or denials without prejudice. He may terminate a license, after opportunity has been afforded the licensee for a hearing before the State Board of Health, a hearing officer designated by the Board, or the State Health Officer, due to failure to correct items of noncompliance, or for other justified causes. Under his administrative control the Supervisors of Licensing and Registration, Environmental Surveillance, and Field Inspection and Survey activities will provide technical assistance and consultation as required in the discharge of their separate and collective responsibilities regarding the State radiation control program.

Qualifications and training of the present staff members reflect the necessary education, training and experience to ensure competent administration and implementation of the program in radiation control. Individual resumes of training and experience are provided in the attachment to this narrative. All future replacements of present staff as required by vacancies will be evaluated to assure that their training and experience are at least equal to those presently employed. Job descriptions and training and experience requirements are outlined in an attachment. These requirements will be used as a basis for evaluating qualifications of applicants for staff positions.

Reciprocity. Regulations of the Board provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement States.

Continuing compatibility. It is the policy of the State of Kansas to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for compatibility with the standards and regulatory program of the Federal government and a system consonant insofar as possible with those of other States.

[F.R. Doc. 64-7944; Filed, Aug. 5, 1964; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 12, 1964.

The Bureau of Land Management has filed an application, Serial Number Idaho 015614 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended. The applicant desires the land for an experimental range pasture research area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho 83701.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 9 E.,
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20;
Sec. 21;
Sec. 22, W½E½, W½;
Sec. 27, W½NE¼, NW¼, N½SW¼, NW¼ SE¼;
Sec. 28, N½, N½S½;
Sec. 29, N½

The area described aggregates 4,200 acres in Elmore County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 64–8436; Filed, Aug. 19, 1964; 8:49 a.m.]

[Montana 066918]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 11, 1964.

The Bureau of Land Management has filed an application Serial Number Montana 066918 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to valid existing rights. The applicant desires the land for a recreation development program.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 16 N., R. 20 E.,
Sec. 4, SW¼SW¼;
Sec. 5, lots 14 and 15.

A roadside strip 100 feet each side of the centerline of the Bureau of Land Management's Maiden Canyon Road, starting at engineer's station 41+40 on the southeasterly boundary of the Spotted Horse Mineral Survey 2361, section 5, T. 16 N., R. 2 E., and extending southeasterly for approximately 1.5 miles ending at engineer's station 124+32.53 in the SE¼ section 9, T. 16 N., R. 20 E., P.M., Montana.

The areas described aggregate approximately 144.00 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64–8437; Filed, Aug. 19, 1964; 8:49 a.m.]

NEVADA

Redelegation of Authority by Land Office Manager to Assistant Managers Branches of Lands and of Minerals

AUGUST 14, 1964.

1. Pursuant to authority contained in section 2.1 of Bureau of Land Management Order No. 701 (29 F.R. No. 147, July 29, 1964), authority is hereby redelegated to the Assistant Manager in charge of the Branch of Lands to take action for the Manager in all matters listed in section 2.9 of above-cited order, and to the Assistant Manager in charge of the Branch of Minerals in all matters listed in section 2.6.

2. The authority delegated by this order may not be redelegated.

3. The Manager's redelegation order of May 20, 1959, is hereby revoked.

DANIEL P. BAKER,
Manager, Nevada Land Office.

Approved: August 14, 1964.

J. R. PENNY,
State Director, Nevada.

[F.R. Doc. 64–8416; Filed, Aug. 19, 1964; 8:47 a.m.]

[Oregon 015491]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 12, 1964.

The Bureau of Land Management has filed an application, Serial Number Oregon 015491, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, or disposal of materials under the Act of July 31, 1947 (61 Stat. 681, 69 Stat. 367, 30 U.S.C. 601–604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874).

The applicant desires the land for the protection of gravel deposits to be used by Bureau of Land Management as surfacing on resource management roads.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE, Holladay, Portland, Oregon, 97232.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 30 S., R. 6 W.,
Sec. 31, S½ of unnumbered lot (SW¼ SW¼).
T. 31 S., R. 7 W.,
Sec. 1, W½NE¼NW¼.

The combined aggregate area is approximately 41.80 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 64–8417; Filed, Aug. 19, 1964; 8:47 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1964.

The Forest Service, U.S. Department of Agriculture has filed an application Serial No. Utah 0141151, for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the mining laws of the United States. The applicant desires the withdawal subject to valid existing rights, to protect investments in structures and improvements placed on the land for development of recreation areas and administrative sites as indicated below.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

tions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 11505, Salt Lake City, Utah, 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

FISHLAKE NATIONAL FOREST

Bullion Administrative Site

T. 28 S., R. 5 W.,
Sec. 2: S½SW¼SW¼;
Sec. 11: NW¼NW¼.

Containing 60 acres more or less.

Adelaide Park Recreation Area

T. 24 S., R. 4½ W.,
Sec. 4: NW¼ Lot 5, S½ Lot 5, N½ Lot 12;
Sec. 5: E½ Lot 8.

Containing 70 acres more or less.

Anderson Meadow Recreation Area

T. 30 S., R. 5 W.,
Sec. 16: NE¼NW¼.

Containing 40 acres more or less.

Castle Rock Recreation Area

T. 26 S., R. 4½ W.,
Sec. 16: SE¼NW¼, N½NE¼SW¼.

Containing 60 acres more or less.

Corn Creek Recreation Area

T. 24 S., R. 4½ W.,
Sec. 4: SW¼ Lot 6, W½ Lot 11, SE¼ Lot 11, NE¼ Lot 14, NW¼ Lot 15.

Containing 60 acres more or less.

Indian Springs Administrative Site

T. 21 S., R. 3 W.,
Sec. 36: S½NE¼NE¼.

Containing 20 acres more or less.

Little Creek Recreation Area

T. 17 S., R. 3 W.,
Sec. 5: SW¼SW¼;
Sec. 6: E½SE¼SE¼.

Containing 60 acres more or less.

Mahogany Cove Recreation Area

T. 29 S., R. 6 W.,
Sec. 24: SE¼SW¼NW¼, SW¼SE¼NW¼.

Containing 20 acres more or less.

Plantation Flat Recreation Area

T. 17 S., R. 3 W.,
Sec. 7: E½NE¼NE¼, SW¼NE¼NE¼, S½NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼.

Containing 80 acres more or less.

Frying Pan Recreation Area

T. 25 S., R. 3 E.,
Sec. 27: NW¼NE¼.

Containing 40 acres more or less.

Total acreage 510 acres more or less.

R. D. NIELSON,
State Director.

[F.R. Doc. 64-8418; Filed, Aug. 19, 1964; 8:47 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1964.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Utah 0141197, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws.

The purpose of the withdrawal is to extend the boundaries of the Manti-LaSal National Forest and to give a national forest status to three tracts of lands donated to the United States and to a 320 acre tract of isolated public lands, adjacent to the present boundary of the forest. The Forest Service plans to manage these lands for development of watershed and wildlife potential and for public recreational use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 11505, Salt Lake City, Utah, 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

LANDS DONATED TO THE UNITED STATES

T. 18 S., R. 3 E.
Sec. 7: SE¼SE¼SE¼—10 acres;
Sec. 8: S½SE¼—80 acres;
Sec. 9: S½SW¼—80 acres.

PUBLIC LAND

T. 18 S., R. 3 E.
Sec. 8: S½NE¼, N½SE¼;
Sec. 9: S½NW¼, N½SW¼—320 acres.

Containing 490 acres more or less.

R. D. NIELSON,
State Director.

[F.R. Doc. 64-8419; Filed, Aug. 19, 1964; 8:47 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1964.

The Forest Service, U.S. Department of Agriculture, has filed an application, Utah 0141797, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws. The lands were acquired from the State of Utah by a land exchange for inclusion as part of the Dixie National Forest pursuant to the provisions of Executive Order 10890 dated October 27, 1960.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 11505, Salt Lake City, Utah, 84111.

The authorized officer of the Bureau of Land management has conducted the necessary investigations to determine the existing and potential demand for the lands and their resources. He has also negotiated with the applicant agency to assure that the land embraced by the application is the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will

be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 33 S., R. 3 W.
Sec. 36: All.
T. 34 S., R. 3 W.
Sec. 2: All.

Containing 1,281.80 acres more or less.

R. D. NIELSON,
State Director.

[F.R. Doc. 64-8420; Filed, Aug. 19, 1964; 8:47 a.m.]

DEPARTMENT OF STATE

[Public Notice 236]

TUNISIA

Validity of Certain Foreign Passports

Tunisia is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 226 of January 18, 1964 (29 F.R. 1661).

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

AUGUST 4, 1964.

[F.R. Doc. 64-8409; Filed, Aug. 19, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA ET AL.

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska, New Mexico, North Carolina, and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Banner.	Keith.
Box Butte.	Kimball.
Chase.	Morrill.
Cheyenne.	Perkins.
Dawes.	Scotts Bluff.
Deuel.	Sheridan.
Garden.	Sioux.

NEW MEXICO

Chaves.	Lincoln.
DeBaca.	

NORTH CAROLINA

Brunswick.	Cherokee.

WISCONSIN

Dunn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of August 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-8370; Filed, Aug. 19, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-953]

SOCIETE INDUSTRIELLE ET COMMERCIALE DE PIECES DETACHEES

Order Denying Export Privileges for an Indefinite Period

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Societe Industrielle et Commerciale de Pieces Detachees, 46 rue de l'Echiquier, Paris 10, France, also known as SICOPAR, is a limited liability company with a place of business in Paris, France, and deals in spare parts for various types of transportation equipment; that said respondent is known to have received substantial quantities of U.S. origin spare parts for tractors and trucks; that the aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of said commodities. It is impracticable to subpoena the respondent and relevant and material interrogatories and request to furnish certain specific documents relating to its receipt and disposition of said commodities were served on it pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, its successors or assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor and to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license,

shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 18, 1964.

Dated: August 10, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-8434; Filed, Aug. 19, 1964; 8:48 a.m.]

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Commences	Terminates	Itinerary
	1965	*1965*	
Argentina	Jan. 5	Jan. 12	New York, San Juan, St. Thomas, New York.
Do	Jan. 13	Jan. 21	New York, San Juan, St. Thomas, New York.
Do	Jan. 22	Feb. 4	New York, San Juan, St. Thomas, Guadeloupe, Barbados, Trinidad, Curacao, New York.
Do	Feb. 5	Feb. 15	New York, Barbados, St. Thomas, San Juan, New York.
Brasil	Mar. 26	Apr. 21	New York, Funchal, Casablanca, Tangier, Malaga, Valencia, Barcelona, Palma, Oran, Lisbon, Oporto, New York.
Argentina	Apr. 28	May 7	New York, Baltimore, San Juan, St. Thomas, Baltimore.
Do	May 8	May 13	Baltimore, Bermuda, Baltimore.
Do	May 14	May 19	Baltimore, Bermuda, Baltimore, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on September 2, 1964. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 14, 1964.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 64-8438; Filed, Aug. 19, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1506) has been filed by The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing that § 121.2562 *Rubber articles intended for repeated use* be amended by adding *N*-alkyl(C_{16}-C_{18})propylenediamine acetic acid to the list of antioxidants and antiozonants in paragraph (c)(4)(iii).

Dated: August 12, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-8427; Filed, Aug. 19, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[General Order 9]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of filing of agreements pursuant to general order 9 (Admission, Withdrawal, and Expulsion Provisions of Steamship Conference Agreements).

The following described agreements have been filed with the Commission for approval to modify the Admission, Withdrawal and Expulsion provisions of the basic Conference and Rate Agreements, pursuant to General Order 9 (46 CFR 523).

Filed by Mr. C. D. Marshall, 11 Broadway, New York 4, New York:

Agreement No. 2744-24, between the member lines of the Atlantic and Gulf/West Coast of South America Conference;

Agreement No. 3868-17, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference;

Agreement No. 4189-20, between the member lines of the Havana Steamship Conference;

Agreement No. 4610-8, between the member lines of the United States Atlantic & Gulf-Jamaica Conference;

Agreement No. 6080-11, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference;

Agreement No. 6190-19, between the member lines of the United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference;

Agreement No. 7540-13, between the member lines of the Leeward & Windward Islands & Guianas Conference;

Agreement No. 7550-2, between the member lines of the Havana Northbound Rate Agreement;

Agreement No. 7590-11, between the member lines of the East Coast Colombia Conference;

Agreement No. 7650-9, between the member lines of the Santiago de Cuba Conference;

Agreement 7890-2, between the member lines of the West Coast South America Northbound Conference;

Agreement No. 8120-4, between the member lines of the United States Atlantic & Gulf-Haiti Conference;

Agreement No. 8300-4, between the member lines of the Atlantic and Gulf/West Coast of Central America and Mexico Conference.

Filed by Mr. Herman Goldman, Attorney, Equitable Building, 120 Broadway, New York 5, New York:

Agreement No. 90-10, between the member lines of the Java-New York Rate Agreement;

Agreement No. 192-4, between the member lines of the Deli-Pacific Rate Agreement;

Agreement No. 5700-7, between the member lines of the New York Freight Bureau (Hong Kong);

Agreement No. 6010-12 between the member lines of the Straits/New York Conference;

Agreement No. 7090–10, between the member lines of the Straits/Pacific Conference;

Agreement No. 7190–4, between the member lines of the Deli/New York Rate Agreement;

Agreement No. 8100–5, between the member lines of the Thailand/United States Atlantic & Gulf Conference.

Filed by Mr. S. V-H. Waring, 17 Battery Place, New York 4, New York:

Agreement No. 59–40, between the member lines of the River Plate and Brazil Conference;

Agreement No. 6800–4, between the member lines of the East Coast South America Reefer Conference;

Agreement No. 6900–11, between the member lines of the River Plate/United States-Canada Freight Conference;

Agreement No. 7200–6, between the member lines of the River Plate & Brazil/United States Reefer Conference;

Agreement No. 7630–6, between the member lines of the Mid Brazil/United States-Canada Freight Conference.

Filed by Mr. L. M. Paine, Jr., Suite 927, Whitney Building, New Orleans 12, Louisiana:

Agreement No. 161–21, between the member lines of the Gulf/United Kingdom Conference;

Agreement No. 7780–7, between the member lines of the Gulf/South & East African Conference.

Filed by Mr. J. A. Dennean, 11 Broadway, Room 760, New York 4, New York:

Agreement No. 17–32, between the member lines of the Far East Conference;

Agreement No. 5600–26, between the member lines of the Associated Steamship Lines.

Filed by Mr. R. T. Curran, 8–10 Bridge Street, Room 303, New York, New York:

Agreement No. 8080–7, between the member lines of the Atlantic and Gulf-Indonesia Conference;

Agreement No. 8240–4, between the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference.

Filed by Mr. W. Van Emburgh, 17 Battery Place, New York, New York:

Agreement No. 5450–32, between the member lines of the Brazil/United States-Canada Freight Conference;

Agreement No. 7640–6, between the member lines of the North Brazil/United States-Canada Freight Conference.

Filed by Mr. D. P. Gillette, Kindai Building, 11, 3 Chome Kyobashi Chuo-Ku, Tokyo, Japan:

Agreement No. 8190–5, between the member lines of the Japan-Puerto Rico & Virgin Islands Freight Conference.

Filed by Mr. W. C. Galloway, 465 California Street, San Francisco, California:

Agreement No. 57–83, between the member lines of the Pacific Westbound Conference.

Filed by Mr. S. H. Kligler, Attorney, Herman Goldman, Equitable Building, 120 Broadway, New York, New York:

Agreement No. 191–5, between the member lines of the Java Pacific Rate Agreement.

Filed by Mr. M. E. Rough, 39 Broadway, New York, New York:

Agreement No. 6200–11, between the member lines of the United States Atlantic and Gulf/Australia-New Zealand Conference.

Filed by Mr. J. K. Cunningham, 80 Broad Street, New York, New York:

Agreement No. 7680–15, between the member lines of the American West African Freight Conference.

Filed by Mrs. M. Lambert, 12, Rue des Pierrelais, Chatillon-sous-Bagneaux (Seine), France:

Agreement No. 7810–5, between the member lines of the French North-Atlantic Westbound Freight Conference.

Filed by Mr. J. M. Phillips, 11 Broadway, New York 4, New York:

Agreement No. 8045–2 between the member lines of the South and East Africa Rate Agreement.

Filed by Mr. D. E. Snow, 320 California Street, San Francisco 4, California:

Agreement No. 8290–2, between the member lines of the Hawaii/Orient Rate Agreement.

Filed by Mr. E. J. Middleton, Post Office Box 96, Savannah Bank and Trust Building, Savannah, Georgia:

Agreement No. 8310–15, between the member lines of the South Atlantic Steamship Conference.

Dated: August 17, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–8444; Filed, Aug. 19, 1964; 8:50 a.m.]

ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by G. Ravera, Secretary p.t., Vico San Luca 4, Genoa, Italy:

Agreement 8680–5 between the carriers parties to the Italy/U.S. North Atlantic Freight Pool (Agreement 8680, as amended), modifies the basic agreement to provide for termination of the participation therein of Prudential Lines, Inc., effective as of June 30, 1964, and the admission thereto of Torm Lines and Zim Israel Navigation Co., Ltd., on July 1, 1964. To reflect these changes in membership, provision is made for the revision of (1) the pool percentages in both Ranges I and II of Article 2, and (2) the number of sailings and calls allotted the parties in these ranges which are detailed in Article 3, as of July 1, 1964.

Dated: August 17, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–8445; Filed, Aug. 19, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Notice of Place of Hearing

AUGUST 13, 1964.

The hearing in the above-designated matter, fixed by the Commission's order issued August 10, 1964, on applications for approval or exclusion of unauthorized causeways in the reservoir area of the Logan Martin development of the Alabama Power Company's Project No. 2146 on the Coosa River, Alabama, will commence at 10:00 a.m. (c.s.t.), September 9, 1964, in the Courthouse, Anniston, Alabama.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–8406; Filed, Aug. 19, 1964; 8:46 a.m.]

[Docket No. G–5464, etc.]

MARY FRANCIS PLEASANTS ET AL.

Certificates of Public Convenience and Necessity et al.

AUGUST 13, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, accepting related rate schedules and supplements for filing, and canceling docket designation.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon

service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended, or involve sales for which certificates have been previously issued.

Northern Pump Company, Applicant in Docket Nos. G–8379 and G–9528, proposes to continue the sales of natural gas heretofore authorized in said dockets pursuant to contracts heretofore designated as G. A. Kane, et al., FPC Gas Rate Schedule No. 1 and G. A. Kane FPC Gas Rate Schedule No. 2, respectively. The rates under said rate schedules are in effect subject to refund in Docket Nos. RI63–12 [1] and G–18105,[1] respectively. On January 15, 1964, Kane filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 2. By order issued February 5, 1964, in Docket No. RI64–596 the Commission suspended the proposed change in rate until July 15, 1964, and designated said change as Supplement No. 4 to the subject rate schedule. On July 7, 1964, Northern Pump Company filed a motion pursuant to section 4(e) of the Natural Gas Act and § 154.102 of the regulations thereunder requesting that the proposed change in rate be made effective as of July 15, 1964. An agreement and undertaking to assure refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding accompanied the motion to make the change in rate effective. On June 17, 1964, Northern Pump Company filed in Docket Nos. G–18105, RI63–12, and RI64–596 a motion to be substituted as respondent in said proceedings in lieu of Kane. Agreements and undertakings in Docket Nos. G–18105 and RI63–12 accompanied the motion. Accordingly, Northern Pump Company will be substituted in lieu of Kane as respondent in the proceedings pending in Docket Nos. G–18105, RI63–12 and RI64–596; said proceedings will be redesignated; the change in rate will be made effective as requested; and the agreements and undertakings will be accepted for filing.

Sinclair Oil & Gas Company (Operator), Applicant in Docket No. G–13138, proposes to continue the sale of natural gas heretofore authorized in said docket pursuant to a contract heretofore designated as George T. Abell (Operator), et al., FPC Gas Rate Schedule No. 2. The rate under said rate schedule is in effect subject to refund in Docket No. RI64–219. Sinclair has filed a motion to be substituted as respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI64–219. Accordingly, Sinclair will be substituted as respondent in said proceeding; the proceeding will be redesignated; and the agreement and undertaking will be accepted for filing.

T.E.L. Oil & Gas Corporation (Operator), et al., Applicant in Docket No. CI64–1403, proposes to continue the sale of natural gas heretofore authorized in said docket pursuant to a contract heretofore designated as J. M. Kessler (Operator), et al., FPC Gas Rate Schedule No. 3. The rate under said rate schedule is in effect subject to refund in Docket No. RI61–103.[1] T.E.L. has submitted an agreement and undertaking to assure refund of amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI61–103. Accordingly, T.E.L. will be made a co-respondent with Kessler in said proceeding; the proceeding will be redesignated; and the agreement and undertaking will be accepted for filing.

Shell Oil Company, Applicant in Docket No. CI64–1483, proposes to continue the sale of natural gas heretofore authorized in Docket No. G–19067 pursuant to a contract heretofore designated as BTA Oil Producers FPC Gas Rate Schedule No. 4 and herein also designated as a rate schedule of Shell. The rate under said rate schedule is in effect subject to refund in Docket No. G–20525.[2] Shell has submitted an agreement and undertaking to assure refund of any amounts collected on or after April 1, 1964, in excess of the amount determined to be just and reasonable in Docket No. G–20525 insofar as said proceeding pertains to sales from properties assigned to Shell by BTA Oil Producers. Accordingly, Shell will be made a co-respondent with BTA in said proceeding; the proceeding will be redesignated; and the agreement and undertaking will be accepted for filing.

After due notice no petition to intervene, notice of intervention, or protest to the granting of any of the respective applications or petitions has been received.

At a hearing held on August 6, 1964, the Commission on its own motion received and made part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3035, G–3198, G–5464, G–8379, G–9528, G–13138, G–13263, G–13859, G–15828, G–17106, G–19067, CI61–151, CI61–564, CI61–1259, CI62–117, CI62–353, CI62–744, CI63–947 and CI64–491 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued in Docket Nos. G–5493, G–9429, G–10619 and G–13795 to Applicants herein, relating to the several abandonments hereinafter permitted and approved, should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate hereinafter issued in Docket No. CI64–1507 should be conditioned as were the certificates issued by the order accompanying Opinion No. 350 (27 FPC 35).

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Northern Pump Company should be substituted in lieu of G. A. Kane as respondent in the proceedings pending in Docket Nos. G–18105, RI63–12 and RI64–596, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted in said dockets by Northern Pump Company should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion filed by

[1] Consolidated with Docket No. AR64–1, et al.

[2] Consolidated with Docket No. AR61–1, et al.

Northern Pump Company in Docket No. RI64–596 to make changes in rate effective should be granted.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair Oil & Gas Company (Operator) should be substituted as respondent in the proceeding pending in Docket No. RI64–219, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Sinclair should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that T.E.L. Oil & Gas Corporation (Operator), et al., should be made a co-respondent with J. M. Kessler (Operator), et al., in the proceeding pending in Docket No. RI61–103, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by T.E.L. should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Shell Oil Company should be made co-respondent with BTA Oil Producers (Operator), et al., in the proceeding pending in Docket No. G–20525, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Shell should be accepted for filing.

(14) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Docket No. CI64–1403 should be canceled and that the application filed therein should be processed as a petition to amend the order issuing a certificate in Docket No. G–3053 by permitting the successor in interest to continue the service heretofore authorized.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or any hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates in Docket Nos. G–3198, G–13263, G–13859, G–15828, G–17106, G–19067, CI61–151 and CI62–353 be and the same are hereby amended by deleting therefrom authorization to sell natural gas, and in all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates in Docket Nos. G–17106, CI61–564, CI62–744, CI63–947 and CI64–491 be and the same are hereby amended by adding thereto authorization to sell natural gas from additional acreage, and in all other respects said orders shall remain in full force and effect.

(F) The certificate issued in Docket No. CI64–1507 be and the same is hereby conditioned as follows:

(a) The initial price shall not exceed 15.0 cents per Mcf at 14.65 psia including tax reimbursement plus Btu adjustment;

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant may thereupon substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the rate herein required; and

(c) The allowances for take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule-making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantities.

(G) The certificates heretofore issued in the following dockets be and the same are hereby terminated: G–5493, G–9429, G–10619 and G–13795.

(H) The orders issuing certificates in the following dockets be and the same are hereby amended by changing the certificate holder to the successor in interest as set forth in the tabulation herein: G–3053, G–5464, G–8379, G–9528, G–13138, CI61–1259 and CI62–117.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The related rate schedules and supplements are hereby accepted for filing subject to the applicable Commission regulations under the Natural Gas Act and are effective and designated as indicated in the tabulation herein.

(K) Northern Pump Company be and it is hereby substituted in lieu of G. A. Kane as respondent in the proceedings pending in Docket Nos. G–18105, RI63–12 and RI64–596, and said proceedings are redesignated accordingly.[3]

(L) The rates, charges, and classifications set forth in Supplement No. 4 to Northern Pump Company FPC Gas Rate Schedule No. 39 (as so redesignated herein) be and the same are hereby made effective as of July 15, 1964. Said rate shall be charged and collected commencing as of the effective date subject to any future orders of the Commission.

(M) The agreements and undertakings submitted by Northern Pump Company in Docket Nos. G–18105, RI63–12 and RI64–596 to assure refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said dockets be and the same are hereby accepted for filing.

(N) Northern Pump Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in Docket Nos. G–18105, RI63–12 and RI64–596 shall remain in full force and effect until discharged by the Commission.

(O) Sinclair Oil & Gas Company (Operator) be and it is hereby substituted in lieu of George T. Abell (Operator), et al., as respondent in the proceeding pending in Docket No. RI64–219, and said proceeding is redesignated accordingly.

(P) The agreement and undertaking submitted by Sinclair Oil & Gas Company (Operator) to assure refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI64–219 be and the same is hereby accepted for filing.

(Q) Sinclair Oil & Gas Company (Operator) shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sinclair in Docket No. RI64–219 shall remain in full force and effect until discharged by the Commission.

(R) T.E.L. Oil & Gas Corporation (Operator), et al., be and it is hereby made a co-respondent with J. M. Kessler (Operator), et al., in the proceeding pending in Docket No. RI61–103, and said proceeding is redesignated accordingly.[4]

(S) The agreement and undertaking submitted by T.E.L. Oil & Gas Corporation (Operator), et al., to assure refund of any amounts collected on or after January 23, 1962, in excess of the amount determined to be just and reasonable in Docket No. RI61–103 be and the same is hereby accepted for filing.

[3] Docket Nos. G–18105 and RI64–596, Northern Pump Company. Docket No. RI63–12, Northern Pump Company, et al.

[4] J. M. Kessler (Operator), et al., and T.E.L. Oil & Gas Corporation (Operator), et al.

(T) T.E.L. Oil & Gas Corporation (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by T.E.L. in Docket No. RI61–103 shall remain in full force and effect until discharged by the Commission.

(U) Shell Oil Company be and it is hereby made a co-respondent with BTA Oil Producers (Operator), et al., in the proceeding pending in Docket No. G–20525, and said proceeding is redesignated accordingly.[5]

(V) The agreement and undertaking submitted by Shell Oil Company to assure the refund of any amounts collected on or after April 1, 1964, in excess of the amount determined to be just and reasonable in Docket No. G–20525, insofar as said proceeding pertains to sales from properties assigned to Shell by BTA Oil Producers, be and the same is hereby accepted for filing.

(W) Shell Oil Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. G–20525 by Shell shall remain in full force and effect until discharged by the Commission.

(X) Docket No. CI64–1403 is hereby canceled.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–5464 [1] E 5–25–64	Mary Francis Pleasants (successor to Thomas J. Francis, et al.).	Hope Natural Gas Co., Coal District, Harrison County, W. Va.	Thomas J. Francis, et al., FPC GRS No. 1.	1	
			Supplemental Nos. 1–4.	1	1–4
			Notice of succession 5–22–64.[2]		
			Last will and testament 11–29–61.[3 4]	1	5
G–8379 E 6–17–64	Northern Pump Co., et al.[5] (successor to G. A. Kane, et al.).	Cities Service Gas Co., Finnup No. 1 Gas Unit, Finney County, Kans.	G. A. Kane, et al., FPC GRS No. 1.	[6] 38	
			Supplemental Nos. 1–6.	38	1–6
			Notice of succession 6–10–64.		
			Assignment 3–20–64 [7]	38	7
G–9528 E 6–17–64	Northern Pump Co.[5] (successor to G. A. Kane).	Colorado Interstate Gas Co., Rooney Gas Unit, Haskell and Seward Counties, Kans.	G. A. Kane FPC GRS No. 2	[8] 39	
			Supplemental Nos. 1–4.	39	1–4
			Notice of succession 6–11–64.		
			Assignment 3–20–64 [7]	39	5
G–13138 E 4–20–64	Sinclair Oil & Gas Co., Operator (successor to George T. Abell (Operator), et al.).	Northern Natural Gas Co., Acreage in Crane and Pecos Counties, Tex.	George T. Abell (Operator), et al., FPC GRS No. 2.	[9] 317	
			Supplemental Nos. 1–4.	317	1–4
			Notice of succession 4–14–64.		
			Assignment 4–2–64 [10]	317	5
			Effective date: 4–1–64.		
G–13859 D 6–22–64	Shell Oil Co. (partial abandonment).	Kansas-Nebraska Natural Gas Co., Inc., Elm Grove, Atwood East, Key and Dune Ridge Fields, Logan County, Colo.	Notice of cancellation 6–5–64,[11 4]	162	4

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[5] BTA Oil Producers (Operator), et al., and Shell Oil Company.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–15828 D 6–17–64	Graham-Michaelis Drilling Co. (Operator), et al. (partial abandonment).	Northern Natural Gas Co., Harbaugh Unit, Ochiltree County, Tex.	Notice of partial cancellation 6–15–64.[12 4]	23	8
G–17106 C&D 6–17–64	Allegheny Land and Mineral Co.	Hope Natural Gas Co., Acreage in Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Lewis, Marion, Ritchie, Tyler, Wetzel, and Wirt Counties, W. Va.	Supplemental agreement 5–14–64.[13 14]	3	16
CI61–151 D 10–3–63	Shell Oil Co.	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	Assignment 5–10–63 [15]	238	13
			Effective date: 11–3–63.		
CI61–346 A 9–2–60 [4] 9–6–64 [16]	Horseshoe Gallup Gasoline Corp. (successor to James A. Ford d/b/a Maytex Gas Co.)	El Paso Natural Gas Co., Horseshoe Gallup Field, San Juan County, N. Mex.	James A. Ford d/b/a Maytex Gas Co., FPC GRS No. 1.	1	
			Agreement 8–13–60	1	1
			Assignment 8–13–60	1	2
			Assignment 9–30–60	1	3
			Assignment 9–11–61	1	4
			Notice of succession 3–30–64.		
			Effective date: 12–9–60.		
CI61–564 C 6–24–64	Compass Exploration, Inc. (Operator), et al.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Supplemental agreement 5–25–64.[17]	4	8
CI61–1259 E 6–18–64	C. R. Gallagher, Jr. (Operator), et al. (successor to Delfern Oil Co.)	Transwestern Pipeline Co., Waha Field, Reeves County, Tex.	Delfern Oil Co., FPC GRS No. 5.	1	
			Notice of succession 6–18–64.		
			Assignment 4–3–64	1	1
			Effective date: 4–10–64.		
CI62–117 E 6–8–64	James W. Reed (successor to Davisson A. Benson, Jr.).	United Fuel Gas Co., Henry District, Clay County, W. Va.	Davisson A. Benson, Jr., FPC GRS No. 2.	1	
			Notice of succession 6–6–64.		
			Assignment 2–25–64 [7]	1	1
CI62–353 D 10–3–63	Shell Oil Co.	Lone Star Gas Co., Manziel Field, Wood County, Tex.	Assignment 3–3–63 [15]	258	1
			Assignment 5–10–63 [15]	258	2
			Effective date: 11–3–63.		
CI62–744 C 6–24–64	Holly Nester d/b/a Schartiger Gas Co.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	Letter Agreement 4–28–64.[17]	18	1
CI63–647 C 6–23–64	E. C. Hartman, et al.	Hope Natural Gas Co., Birch District, Braxton County, W. Va.	Letter agreement 3–25–64.[17]	7	1
CI64–491 C 6–23–64	J. Everett Goffinet, et al.	Hope Natural Gas Co., Grant District, Ritchie County, W. Va.	Letter agreement 4–21–64.[17]	1	2
CI64–1403 [18] (G–3053) A 5–22–64	T.E.L. Oil & Gas Corp. (Operator), et al. (successor to J. M. Kessler (Operator), et al.).	Western Gas Service Co., Acreage in Texas County, Okla.	J. M. Kessler (Operator), et al., FPC GRS No. 1.	1	
			Supplemental No. 1	1	1
			Notice of succession (undated).		
			Assignment 1–23–62 [19]	1	2
			J. M. Kessler (Operator), et al., FPC GRS No. 2.	2	
			Notice of succession (undated).		
			Assignment 1–23–62 [19]	2	1
		Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	J. M. Kessler (Operator), et al., FPC GRS No. 3.	[20] 3	
			Supplemental Nos. 1 and 2.	3	1 and 2
			Notice of succession (undated).		
			Assignment 1–23–62 [7 19]	3	3

Docket No. and date filed	Applicant	Purchaser, field and location	FPO rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-1465 (G-13263) A 6-8-64	Sam D. Ares (Operator), et al. (partial succession).[21]	El Paso Natural Gas Co., Acreage in Lea County, N. Mex.	Contract 1-1-50	2	
			Letter agreement 6-28-52.	2	1
			Letter agreement 9-17-53.	2	2
			Letter agreement 5-6-54.	2	3
			Letter agreement 10-12-54.	2	4
			Letter agreement 7-30-56.	2	5
			Supplemental agreement 3-1-57.	2	6
			Supplemental agreement 4-17-58.	2	7
			Amendatory agreement 1-18-61.	2	8
			Supplemental agreement 1-2-64.	2	9
			Letter agreement 3-20-64.	2	10
			Assignment 2-19-64 [22]	2	11
			Assignment 3-17-64 [23]	2	12
			Effective date: 3-1-64		
CI64-1483 A 6-12-64	Shell Oil Co. (partial succession).[24]	El Paso Natural Gas Co., Andrews Field, Andrews County, Tex.	Contract 3-1-56 [25]	[27] 305	
			Amendatory agreement 10-20-59.	305	1
			Assignment 3-2-64 [26]	305	2
			Effective date: 4-1-64		
CI64-1500 A 6-18-64	Sinclair Oil & Gas Co.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	Contract 5-15-64.[17]	319	
CI64-1501 (G-13795) B 6-19-64	Tenneco Oil Co. (formerly Tennessee-Texan Oil Co.).	Tensas Gas Gathering Corp., Lake St. John Field, Concordia Parish, La.	Notice of cancellation 6-17-64.[4 12]	6	3
CI64-1502 A 6-19-64	B. E. Talkington, et al., agent for Talkington-Brady, et al.	Hope Natural Gas Co., Meade District, Upshur County, W. Va.	Contract 4-14-64 [17]	21	
CI64-1503 A 6-19-64	A. C. Radford, et al., agent for Stephenson Gas Co.	Hope Natural Gas Co., Union District, Clay County, W. Va.	Contract 4-23-64 [17]	6	
CI64-1504 A 6-19-64	Delta Petroleum Co.	Hope Natural Gas Co., West Union District, Doddridge County, W. Va.	Contract 4-14-64 [17]	4	
CI64-1505 A 6-22-64	George Mitchell & Associates, Inc., agent for Mitchell & Mitchell Gas & Oil Corp., et al.	Texas Eastern Transmission Corp., Buttermilk Slough Field, Matagorda County, Tex.	Contract 9-27-63 [17]	29	
CI64-1506 A 6-22-64	Pan American Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Cha Cha Gallup Field, San Juan County, N. Mex.	Contract 5-25-64 [17]	397	
CI64-1507 A 6-22-64	Continental Oil Co.[28]	Panhandle Eastern Pipe Line Co., N.E. Trail Field, Dewey County, Okla.	Ratified 3-16-64	285	
			Contract 5-10-63 [17]	285	1
CI64-1510 A 6-22-64	Howard W. Sharpley, et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Contract 5-1-64 [17]	2	
CI64-1512 (G-5493) B 6-22-64	Twin Cities Gas Co.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Notice of cancellation 6-6-64.[4 12]	3	6
CI64-1513 A 6-22-64	George Miller, et al.	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 4-15-64 [17]	39	
CI64-1514 A 6-22-64	MacTay Investment Co.	Hope Natural Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 4-23-64 [17]	1	
CI64-1515 A 6-22-64	H & H Oil and Gas Corp.	Texas Gas Transmission Corp., Monroe Field, Union, Ouachita and Morehouse Parishes, La.	Contract 6-8-64 [17]	1	
CI64-1516 A 6-22-64	Ferrell L. Prior d/b/a Prior Oil Co., et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 4-15-64 [17]	41	
CI64-1517 A 6-22-64	Don W. Hardman, et al. d/b/a Hardman Drilling Co.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 7-20-63	19	
			Letter agreement 5-8-64.[17]	19	1
CI64-1518 A 6-22-64	Eason Oil Co.	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	Contract 4-23-64 [17]	19	
CI64-1519 A 6-22-64	Tidewater Oil Co.	Montana-Dakota Utilities Co., Muddy Ridge Field, Fremont County, Wyo.	Contract 5-20-64	135	
			Letter agreement 6-10-64.[17]	135	1
CI64-1520 A 6-22-64	Crystal Oil and Land Co.	Texas Eastern Transmission Corp., Elm Grove Field, Bossier Parish, La.	Contract 5-15-64 [17]	3	
CI64-1521 A 6-23-64	Phillips Petroleum Co.	Northern Natural Gas Co., Anadarko Basin Area, Beaver County, Okla., and Ochiltree County, Tex.	Contract 6-10-64 [17]	403	
CI64-1522 (G-10619) B 6-23-64	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	Cities Service Gas Co., West Lawrie Field, Logan County, Okla.	Notice of cancellation 6-17-64.[4 11]	42	2
CI64-1523 A 6-23-64	John L. Renner, agent for Renner and Allen.	Natural Gas of West Virginia, Inc., Battelle District, Monongalia County, W. Va.	Contract summary 2-16-62.[17]	1	
CI64-1524 A 6-23-64	Cecil Meadows, et al. d/b/a M & M Drilling.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	Contract 4-17-64	9	
			Letter agreement 5-21-64.[17]	9	1
CI64-1525 A 6-23-64	-----do-----	Hope Natural Gas Co., Birch District, Braxton County, W. Va.	Contract 4-9-64 [17]	8	
CI64-1526 A 6-23-64	Philip Lemon, et al.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 5-7-64 [17]	16	
CI64-1527 A 6-23-64	M. J. Moran, et al.	Hope Natural Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 4-23-64 [17]	17	
CI64-1528 A 6-23-64	B. E. Talkington, et al.	Hope Natural Gas Co., Meade District, Upshur County, W. Va.	Contract 4-22-64 [17]	22	
CI64-1529 A 6-23-64	W. R. Hughey (Operator), et al.	Lone Star Gas Co., J. G. S. Field, Panola County, Tex.	Contract 3-16-64 [17]	1	
CI64-1530 A 6-23-64	Jack L. Phillips Operator), et al.	Lone Star Gas Co., Carthage Field, Panola County, Tex.	Contract 6-3-64 [17]	1	
CI64-1531 A 6-24-64	Petroleum Exploration, Inc. of Texas, et al.	Lone Star Gas Co., Benedum Prospect Field, McClain County, Okla.	Contract 3-18-64 [17]	16	
CI64-1532 A 6-24-64	California Oil Co., western division.	Montana-Dakota Utilities Co., Muddy Ridge Field, Fremont County, Wyo.	Contract 4-24-64	5	
			Letter agreement 6-16-64.[17]	5	1
CI64-1533 A 6-24-64	McCall Drilling Co., Inc.	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	Contract 4-22-64 [17]	63	
CI64-1534 A 6-24-64	Charles L. Hickman, et al.	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	Contract 4-22-64 [17]	2	
CI64-1536 A 6-24-64	Stonestreet Lands Co., Inc.	Hope Natural Gas Co., Smithfield District, Roane County, W. Va.	Contract 5-6-64 [17]	23	
CI64-1537 A 6-24-64	A. R. Jackson, et al. d/b/a Burnt House Oil & Gas Co.	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 4-23-64 [17]	1	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-1539 (G-9429) B 6-24-64	J. R. Butler & Co.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Notice of cancellation 6-24-64,[12]	2	12
CI64-1540 (G-3198) B 6-24-64	Tribune Oil Corp.	United Gas Pipe Line Co., Egan Field, Acadia Parish, La.	Notice of cancellation 6-24-64,[4 29]	[30] 2	4

[1] Petition to amend certificate to reflect change in name to the only surviving interest holder.
[2] Transmittal letter construed as Notice of Succession.
[3] Agnes F. Monks to Mary Francis Pleasants. (Both parties were the only surviving interest holders under original contract.)
[4] Effective date: Date of this order.
[5] Applicant filed motions to be substituted in all of its predecessor's rate proceedings.
[6] Rate in effect subject to refund by Commission's order issued 7-25-62 under Docket No. RI63-12.
[7] Effective date: Date of transfer of properties.
[8] Increased rate being made effective subject to refund in Docket No. RI64-596, as indicated in this order.
[9] Rate in effect subject to refund in Docket No. RI64-219.
[10] Assigns George T. Abell's 75 percent interest in gas sales to Sinclair Oil & Gas Co.
[11] Production of gas no longer economically feasible.
[12] Source of gas depleted.
[13] Adds acreage and deletes non-productive acreage.
[14] Effective date: Date of initial delivery for added acreage; 7-18-64 for deletion of acreage.
[15] Assigns acreage to R. W. Fair.
[16] Applicant filed application to continue the sale by predecessor previously authorized under temporary certificate issued December 9, 1960.
[17] Effective date: Date of initial delivery.
[18] Application treated as a petition to amend Docket No. G-3053 to reflect the succession of interest. Docket No. CI64-1403 will be cancelled.
[19] Assignment from J. M. Kessler to T.E.L. Oil & Gas Corp.
[20] Rate made effective subject to refund in Docket No. RI61-103; therefore successor is not released from the refund obligation for amount collected to date of assignment.
[21] Partially succeeds Sinclair Oil & Gas Co. FPC GRS No. 148.
[22] Assigns acreage from Sinclair Oil & Gas Co. to Sam D. Ares and Dr. C. M. Eiffert down to depth of 3800 feet.
[23] Assigns one-half of Sam D. Ares and Dr. C. M. Eiffert's interest to H. R. Harris and James Walton.
[24] Partially succeeds BTA Oil Producers FPC GRS No. 4.
[25] Contract between Humble Oil & Refining Co. and El Paso Natural Gas Co. By assignment dated 11-1-56 BTA acquired a portion of the acreage from Humble.
[26] Partial assignment by BTA Oil Producers to Shell Oil Co.
[27] Rate in effect subject to refund in Docket No. G-20525.
[28] By letter filed 6-29-64 Applicant agreed to accept permanent certificate with same conditions imposed in Opinion No. 350.
[29] Well has been shut in for conservation purposes since 1955.
[30] Formerly Maracaibo Oil Exploration Corp. FPC GRS No. 2.

[F.R. Doc. 64-8407; Filed, Aug. 19, 1964; 8:46 a.m.]

[Docket No. E-7165]

SOUTHERN CALIFORNIA EDISON CO. AND DESERT ELECTRIC COOPERATIVE, INC.

Order Fixing Hearing

JULY 29, 1964.

On May 25, 1964, Southern California Edison Company (Edison), Los Angeles, California, and Desert Electric Cooperative, Inc. (Cooperative), Twentynine Palms, California, filed in the above-entitled proceeding a joint application, pursuant to section 203 of the Federal Power Act, seeking authorization for Edison to acquire all the electric facilities of Cooperative, which are located in two areas adjacent to Twentynine Palms, and to merge or consolidate such facilities with its own facilities. The application also seeks authorization for Cooperative to sell all its electric facilities to Edison. Cooperative owns and operates an electric distribution system in the aforementioned areas and purchases all its electric requirements from Edison. Written notice of the application was given to the Governor and the State Commission of the States of California, Arizona and Nevada. On June 13, 1964, notice of the application was also published in the FEDERAL REGISTER (29 F.R. 7621), stating that any person desiring to be heard or to make any protest with reference to the application should on or before July 6, 1964, file petitions or protests with the Commission. The notice recited that the application is on file and available for public inspection.

On July 1, 1964, The Public Utilities Commission of the State of California intervened in this proceeding by filing a Notice of Intervention. In addition, the Commission has received communications from several persons residing in or near the areas served by Cooperative objecting to or expressing an interest in the proposed transaction and requesting that a public hearing be held in this matter at or near Twentynine Palms.

The Commission finds: It is necessary and appropriate for the purposes of the Federal Power Act that a public hearing be held in the above-entitled proceeding as hereinafter provided.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 203, 307, 308, and 309 thereof, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held at or near Twentynine Palms, California, respecting the matters involved in and the issues presented in this proceeding all at a time and place and in the manner to be fixed by the Secretary of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-8408; Filed, Aug. 19, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL COMMISSIONER

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program

The Deputy Urban Renewal Commissioner is hereby authorized to exercise all the authority delegated to the Urban Renewal Commissioner under paragraph numbered 1 of the Housing and Home Finance Administrator's delegation of authority republished October 14, 1960 (25 F.R. 9874), as amended,[1] with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended 42 U.S.C. 1450-1464), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 20th day of August 1964.

WILLIAM L. SLAYTON, *Urban Renewal Commissioner.*

[F.R. Doc. 64-8433; Filed, Aug. 19, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2387]

AMERICAN NATURAL GAS CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 14, 1964.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Natural Gas Company; File 7-2387.

Upon receipt of a request, on or before August 30, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hear-

[1] Including 28 F.R. 2933, March 23, 1963; and 29 F.R. 8153, June 26, 1964.

ing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-8403; Filed, Aug. 19, 1964; 8:46 a.m.]

[File No. 70-4226]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

AUGUST 14, 1964.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $20,000,000 principal amount of First Mortgage Bonds, —— percent Series due 1994. The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Penelec (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust, dated as of January 1, 1942, of Penelec to Bankers Trust Company, Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated October 1, 1964.

Of the proceeds from the sale of the bonds (other than premium, if any, and accrued interest) $18,500,000, together with $16,500,000 cash contributions theretofore made to Penelec by its parent company, GPU (File No. 70-4212), will be used to reimburse Penelec's treasury for construction expenditures made prior to January 1, 1964 and, in turn, to pay short-term notes due banks, the proceeds of which were used for construction purposes. At June 30, 1964, such short-term notes were outstanding in the amount of $32,300,000. The $1,500,000 balance of the proceeds will be applied toward the cost of construction for 1964. Any premium from the sale of the bonds will be used for general corporate purposes, including payment of expenses of the proposed financing program. Penelec's 1964 construction program provides for expenditures of approximately $26,400,000.

Fees and expenses of the proposed financing are estimated at $90,000, and include legal fees of $20,000 and accounting fees of $4,200. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the proposed issuance and sale of bonds is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Penelec is organized and doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 15, 1964, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-8404; Filed, Aug. 19, 1964; 8:46 a.m.]

[File Nos. 7-2388, 7-2389]

McDONNELL AIRCRAFT CORP. AND HARRIS INTERTYPE CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 14, 1964.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

McDonnell Aircraft Corporation, File 7-2388.
Harris-Intertype Corporation, File 7-2389.

Upon receipt of a request, on or before August 30, 1964 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-8405; Filed, Aug. 19, 1964; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

C. R. Anthony Co., No. 84, Dumas, Texas; effective 9-3-64 to 9-2-65.

Frank Dry Goods Co., 1017 South Calhoun Street, Fort Wayne, Ind.; effective 6-18-64 to 9-2-64.

Harry's Food Stores, Inc., 135 West Twohig, San Angelo, Tex.; effective 9-3-64 to 9-2-65.

S. S. Kresge Co., No. 707, Metairie, La.; effective 7-8-64 to 9-2-64.

S. S. Kresge Co., No. 168, St. Cloud, Minn.; effective 4-24-64 to 9-2-64.

S. S. Kresge & Co., No. 744, Oklahoma City, Okla.; effective 9-3-64 to 9-2-65.

May Sons, Inc., 4113 West Madison Street, Chicago, Ill.; effective 6-18-64 to 9-2-64.

May Sons, Inc., 3160 North Lincoln Avenue, Chicago, Ill.; effective 6-18-64 to 9-2-64.

May Sons, Inc., 871 East 63d Street, Chicago, Ill.; effective 6-18-64 to 9-2-64.

J. J. Newberry Co., 1410 119th Street, Whiting, Ind.; effective 6-11-64 to 9-2-64.

J. J. Newberry Co., 320 East Overland Street, El Paso, Tex.; effective 9-3-64 to 9-2-65.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britts Chillicothe Corp., U.S. Highway No. 23, Chillicothe, Ohio; effective 7-20-64 to 7-19-65; office clerk, sales clerk, stock clerk; between 8.8 percent and 10 percent.

Jupiter, No. 4504, Reading, Pa.; effective 7-20-64 to 7-19-65; sales clerk; between 4.5 percent and 10 percent.

K-Mart, No. 4053, Charlotte, N.C.; effective 7-22-64 to 7-21-65; sales clerk; between 5.6 percent and 10 percent.

K-Mart, No. 4013, Baytown, Tex.; effective 7-20-64 to 7-19-65; sales clerk; between 3.1 percent and 10 percent.

K-Mart, No. 4024, South Houston, Tex.; effective 7-15-64 to 7-8-65; sales clerk; between 3.1 percent and 10 percent (replacement certificate).

K-Mart, No. 4017, Houston, Tex.; effective 7-15-64 to 7-8-65; sales clerk; between 3.1 percent to 10 percent (replacement certificate).

S. S. Kresge, No. 782, Houston, Tex.; effective 7-15-64 to 7-8-65; sales clerk; between 3.1 percent and 10 percent (replacement certificate).

S. S. Kresge Co., No. 715, Houston, Tex.; effective 7-15-64 to 7-14-65; sales clerk; between 3.1 percent and 10 percent.

Neisner Brothers, Inc., No. 61, San Antonio, Tex.; effective 7-20-64 to 7-19-65; sales clerk, stock clerk, clerk; 10 percent for each month.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 12th day of August 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-8410; Filed, Aug. 19, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 17]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

AUGUST 14, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

OHIO

No. MC 496 (Sub-No. 3) (REPUBLICATION) filed February 8, 1963, published in FEDERAL REGISTER issue of June 12, 1963, republished as corrected in FEDERAL REGISTER issue of October 2, 1963, and republished this issue. Applicant: THE BEITER LINE, INC., 270 North Abbe Road, Elyria, Ohio and THE BEITER LINE CORP., 270 North Abbe Road, Elyria, Ohio, joint applicants. Applicants attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio.

NOTE: The purpose of this republication is to show The Beiter Line Corp., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-8359; Filed, Aug. 19, 1964; 8:45 a.m.]

[Notice 316]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 14, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2998 (Deviation No. 5), WOLVERINE EXPRESS, INC., 701 Erie Avenue, Muskegon, Mich., filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over U.S. Highway 23 to Flint, Mich., thence over Interstate Highway 75 to Bay City, Mich., thence over U.S. Highway 10 to Clare, Mich., thence over Michigan Highway 115 to junction Michigan Highway 37 at Mesick, Mich., thence over Michigan Highway 37 to Traverse City, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over U.S. Highway 223 to Somerset, Mich., thence over U.S. Highway 127

to Lansing, Mich., thence over U.S. Highway 27 to Clare, Mich., thence over U.S. Highway 10 to Reed City, Mich., thence over U.S. Highway 131 to Walton, Mich., thence over Michigan Highway 113 to junction Michigan Highway 37, thence over Michigan Highway 37 to Traverse City, and return over the same route.

No. MC 29555 (Deviation No. 7) BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn., 55113, filed August 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 34 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Alternate U.S. Highway 30 to junction U.S. Highway 30, approximately 4 miles west of Sterling, Ill., and return over the same route.

No. MC 40302 (Deviation No. 1), FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind., 46205, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., thence over U.S. Highway 31W to Nashville, and return over the same route.

No. MC 40302 (Deviation No. 2), FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind., 46205, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 to Cambridge, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 50 to Vincennes, Ind., thence over U.S. Highway 41 to Terre Haute, Ind., thence over U.S. Highway 40 to Cambridge, and return over the same route.

No. MC 40302 (Deviation No. 3), FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind., 46205, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 to Cleveland, and return over the same route.

No. MC 40302 (Deviation No. 4), FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind., 46205, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 25 to Dayton and return over the same route.

No. MC 42487 (Deviation No. 30), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Blaine, Wash., over Interstate Highway 5 to San Diego, Calif., and return over the same route, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Seattle over U.S. Highway 99 to the boundary of the United States and Canada; from Seattle over U.S. Highway 99 via Tacoma and Vancouver, Wash., to junction U.S. Highway 99W, thence over U.S. Highway 99W via Portland, Oreg., to Junction City, Oreg. (also from Vancouver over U.S. Highway 99 to junction U.S. Highway 99E, thence over U.S. Highway 99E to Junction City), and thence over U.S. Highway 99 via Drain, Oreg., to Medford (also from Drain over Oregon Highway 38 to Reedsport, Oreg., thence over U.S. Highway 101 to Coquille, Oreg., thence over Oregon Highway 42 to junction U.S. Highway 99, and thence over U.S. Highway 99 to Medford); from San Francisco over U.S. Highway 40 to junction U.S. Highway 99W near Daves, Calif., thence over U.S. Highway 99W to Red Bluff, Calif. (also from junction U.S. Highway 40 and U.S. Highway 99W over U.S. Highway 40 to Sacramento, Calif., thence over U.S. Highway 99E to Red Bluff), thence over U.S. Highway 99 to Medford; from Califa, Calif. over U.S. Highway 99 to Sacramento, Calif.; from Los Angeles over U.S. Highway 99 to junction California Highway 152, thence over California Highway 152 to Gilroy, Calif., thence over U.S. Highway 101 to San Jose, Calif., thence over California Highway 17 to Oakland, Calif., thence over U.S. Highway 40 to San Francisco; from Los Angeles, over U.S. Highway 101 to Orange, Calif. and from Orange over U.S. Highway 101 to San Diego, and return over the same routes.

No. MC 59336 (Deviation No. 1), U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit 16, Mich., filed August 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Grand Rapids, Mich., over Interstate Highway 96 to Detroit, Mich., (2) from Battle Creek, Mich., over Interstate Highway 94 to Port Huron, Mich., and (3) from Bay City, Mich., over Interstate Highway 75 to Toledo, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Grand Rapids over U.S. Highway 16 to Detroit; from Battle Creek over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 17 to Ypsilanti, Mich., thence over U.S. Highway 112 to Detroit, Mich., thence over U.S. Highway 25 to Port Huron, and from Bay City over U.S. Highway 23 to Flint, Mich., thence over U.S. Highway 10 to Detroit, thence over U.S. Highways 24 and 25 to Toledo, and return over the same routes.

No. MC 59680 (Deviation No. 23), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beaumont, Tex., over Interstate Highway 10 to Baton Rouge, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Houston, Tex., over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 to Kinder, La., thence over U.S Highway 190 to Baton Rouge, thence over U.S. Highway 61 to New Orleans, La., and return over the same route.

No. MC 67647 (Sub-No. 2) (Deviation No. 12), HALL'S MOTOR TRANSIT COMPANY, Post Office Box 738, Sunbury, Pa., filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 111 and Interstate Highway 695 (north of Baltimore, Md.) over Interstate Highway 695 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction U.S. Highway 22 (east of Harrisburg, Pa.), and (2) from junction U.S. Highway 40 and Interstate Highway 695 at Baltimore, Md., over Interstate Highway 695 to junction Interstate Highway 95 (east of Baltimore), thence over Interstate Highway 95 (also known as Northeast Expressway) to junction U.S. Highway 13 (south of Wilmington, Del.) and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 111 to Harrisburg, Pa., and from Harrisburg over U.S. Highway 22 to

Allentown, Pa. and from Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Trenton, N.J., and return over the same routes.

No. MC 106401 (Deviation No. 9), JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte 1, N.C., 28201, filed August 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Alternate Highway 29 and Interstate Highway 26 south over Interstate Highway 26 to junction U.S. Highway 76, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From the North Carolina-South Carolina State line over South Carolina Highway 557 to Clover, S.C., thence over U.S. Highway 321 to York, S.C., thence over South Carolina Highway 49 to Union, S.C., thence over U.S. Highway 176 to Whitmire, S.C., thence over South Carolina Highway 72 to Clinton, S.C., thence over South Carolina Highway 56 to Spartanburg, S.C., and thence over U.S. Highway 221 to the South Carolina-North Carolina State line; from Greenville, S.C., over U.S. Highway 276 to junction South Carolina Highway 14, thence over South Carolina Highway 14 via Simpsonville and Fountain Inn, S.C., to junction U.S. Highway 276, thence over U.S. Highway 276 to Laurens, S.C., and thence over U.S. Highway 76 to Columbia, and return over the same routes.

No. MC 107500 (Deviation No. 18), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed August 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, southwest of Joliet, Ill., thence over Interstate Highway 80 to Princeton, Ill., (2) from Princeton, over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction U.S. Highway 150 near Moline, Ill., (3) from Davenport, Iowa, over Interstate Highway 80 to junction Interstate Highway 235, thence over Interstate Highway 235 to Des Moines, Iowa, and (4) from Des Moines over Interstate Highway 235 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same routes, for operating convenience only.

The notice indicates that the carrier is authorized to transport the same commodities over the following pertinent service routes: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65 over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Omaha; from Sheffield, Ill., over U.S. Highway 6 to Davenport, Iowa; from Davenport over U.S. Highway 150 to Galesburg, Ill.; from Des Moines over Iowa Highway 60 to Albia, Iowa; from Kansas City, Mo., over U.S. Highway 69 to Des Moines; from Creston, Iowa, over Iowa Highway 25 to Greenfield, Iowa, thence over Iowa Highway 92 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Iowa Highway 100, thence over Iowa Highway 100 to Griswold, Iowa; and from Emerson, Iowa, over U.S. Highway 59 to junction Iowa Highway 100 and thence over Iowa Highway 100 to Griswold, and return over the same routes.

No. MC 107500 (Deviation No. 19), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed August 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Lincoln, Nebr., over Interstate Highway 80 to junction U.S. Highway 34 and 281 south of Grand Island, Nebr., (2) from junction U.S. Highways 34, 218, and Interstate Highway 80, south of Grand Island over Interstate Highway 80 to junction Nebraska Highway 44, south of Kearney, Nebr., (3) from junction Interstate Highway 80 and Nebraska Highway 44, south of Kearney over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction U.S. Highway 6 near Sterling, Colo., (4) from junction Interstate Highway 80S and U.S. Highway 6, near Sterling over Interstate Highway 80S to junction U.S. Highway 6, near Brush, Colo., (5) from junction Interstate Highway 80S and U.S. Highway 6 near Brush over Interstate Highway 80S to junction Interstate Highway 80S and U.S. Highway 6 and 34, near Wiggins, Colo., and (6) from the junction of Interstate Highway 80S and U.S. Highways 6 and 34, over Interstate Highway 80S to Denver, Colo., and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Broken Bow, Nebr., over Nebraska Highway 2 to Lincoln, thence over U.S. Highway 6 to Omaha; from Grand Island over U.S. Highway 281 to Hastings, Nebr.; from Grand Island, over U.S. Highway 30 to Kearney, thence over Nebraska Highway 44 to junction U.S. Highway 6; from Omaha over U.S. Highway 6 to junction unnumbered highway about 4 miles southwest of Atlanta, Nebr., thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 3 via Edison, Nebr., to junction U.S. Highway 6, and thence over U.S. Highway 6 to McCook, Nebr. and from Denver over U.S. Highway 6 to McCook, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 185), GREYHOUND LINES, INC. (Western Greyhound Lines Division) Market and Fremont Streets, San Francisco, Calif., 94106, filed August 3, 1964. Carrier's attorney: W. T. Meinhold (same address as carrier). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage*, over a deviation route as follows: From junction Interstate Highway 5 and unnumbered highway (North Cottonwood Junction) over Interstate Highway 5 to junction unnumbered highway (South Cottonwood Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent service route: From the point where U.S. Highway 99 intersects the Oregon-California State line, over U.S. Highway 99 to Red Bluff, thence over U.S. Highway 99W to junction U.S. Highway 40 (South Woodland Junction), and return over the same route.

No. MC 2890 (Deviation No. 41) (Canceling Deviation No. 28), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed August 7, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Princeton, Ill., over Illinois Highway 26 to junction Interstate Highway 80 approximately one mile north of Princeton, thence over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction U.S. Highway 67, thence over U.S. Highway 67 to Rock Island, Ill., also from junction Interstate Highway 80 and U.S. Highway 150, thence over U.S. Highway 150 as an access route to Moline, Ill., also from junction Interstate Highway 80 and Illinois Highway 84, over Illinois Highway 84 as an access route to Colona, Ill., also from junction Interstate Highway 80 and Illinois Highway 82 via Illinois Highway 82 as an access route to Geneseo, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: (1) From Chicago over U.S. Highway 20 to junction Illinois Highway 42A, thence over Illinois Highway 42A to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 45, thence over U.S. Highway 45 to LaGrange, Ill., thence over U.S. Highway 34 to junction Illinois Highway 65 at Naperville, Ill., thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 275 at Glenwood, Iowa, and (2) from Sheffield over U.S. Highway 6 via Geneseo, to junction unnumbered highway at a point approximately 9 miles west of Geneseo, thence over unnumbered highway via Green River and Colona, Ill., to junction Illinois Highway 92 near Silvis, Ill. (this unnumbered highway is now Illinois Highway 84 from a point two miles west of Green River), thence over Illinois Highway 92 via Silvis to junction U.S. Highway 150, thence over U.S. Highway 150 to junction U.S. Highway 67, and thence over U.S. High-

way 67 to Davenport, Iowa, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8360; Filed, Aug. 19, 1964; 8:45 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 14, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L-8859, Case No. 5, filed July 6, 1964. Applicant: MERCHANTS DELIVERY SERVICE, 2326 Delange SE., Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., 300 Michigan Trust Building, Grand Rapids, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *merchandise* in packages no larger than 12 cubic feet or 90 pounds for Avon Products, Inc., Montgomery Ward & Co., Bixby Office Supply Co., and Economy Office Supply Co., and (2) *merchandise* for Grinnell Brothers, (a) with respect to commodities described in (1), from Grand Rapids, Mich., and its commercial zone, to points within forty (40) miles of Grand Rapids; (b) with respect to commodities described in (2), from Grand Rapids, Mich. and its commercial zone, to points within ninety (90) miles of Grand Rapids; and (c) with respect to commodities described in (1) and (2), the return of *damaged, rejected,* or *traded merchandise* in every instance.

HEARING: September 9, 1964, at 9:30 a.m., in the offices of the Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16913, filed June 30, 1964. Applicant: ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va. Applicant's attorney: John W. Pearsall, 1005 State-Planters Bank Building, Richmond, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property,* (1) between junction Interstate Highway 95 and Virginia Highway 54 and terminal area of Fredericksburg, Va., over Interstate Highway 95, together with its interchanges connecting with applicant's other authority, with the following limitation: No freight to be picked up or delivered under this certificate along this route; (2) between junction Interstate Highway 95 and Virginia Highway 207 and junction U.S. Highway 301 (Virginia Highway 2) and Virginia Highway 207, over Virginia Highway 207 (Caroline County), with the following limitation: No freight to be picked up or delivered under this certificate along this route and within the terminal area of Bowling Green, Va., except Camp A. P. Hill; (3) between Fredericksburg, Va. and junction Interstate Highway 95 and Virginia Highway 350, over Interstate Highway 95, together with its interchanges connecting with applicant's other authority, with the following limitation: No freight will be taken on under this certificate at Fredericksburg or points between Fredericksburg and the State line for delivery at Alexandria or points between Fredericksburg and the State line, and no freight will be taken on under this certificate at Alexandria or points between the State line and Fredericksburg for Fredericksburg or points between the State line and Fredericksburg; (4) between junction Interstate Highway 95 and Marine Corps Truck Highway and the Potomac River, over Marine Corps Truck Highway (Prince William County); (5) between junction Dulles Airport Road and Interstate Highway 66 near Falls Church, Va., and Dulles Airport, over Dulles Airport Road (Fairfax County); and (6) from junction Virginia Highway 350 (Interstate Highway 95) and Interstate Highway 495, along this circumferential highway 495 eastwardly and westwardly to the State line (Fairfax County).

HEARING: September 29, 1964, at 10:00 a.m. (standard time), in the Courtroom, Blanton Building, Richmond, Va.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Virginia Corporation Commission, Post Office Box 1197, Richmond 9, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8362; Filed, Aug. 19, 1964; 8:45 a.m.]

[No. 34454]

NEW ENGLAND TERRITORY

Increased LTL, AQ and TL Rates

It appearing, that by order dated July 24, 1964, in the above-entitled proceeding, the Commission, Division 2, acting as an appellate division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in certain schedules described therein;

It further appearing, that under section 216(g) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting earnings would be just and reasonable, it is deemed appropriate in the public interest and pursuant to section 216(i) of the act that the information specified below be included in the record to be developed in this proceeding;

And good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit evidence and supporting data which shall include, among other things, actual cost and revenue data and operating ratios specifically related to the traffic and territories involved, over-all operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions, as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 I.C.C. 168, and in General Increases—Transcontinental, 319 I.C.C. 792, and in addition all pertinent evidence and supporting data for the individual representative carriers regarding, but not limited to, the following as they relate to their overall operations and to those specifically relating to the traffic and territories involved:

(1) Ratios of net income before and after income taxes to net worth (assets minus liabilities),

(2) Ratio of net carrier operating income to total carrier operating revenues.

(3) Ratios of net income before and after income taxes to total carrier operating revenues,

(4) Ratio of net carrier operating income to net book value of carrier operating property plus net working capital (current assets minus current liabilities),

(5) Ratios of net income before and after income taxes to net book value of carrier operating property plus net working capital (current assets minus current liabilities);

It is further ordered, That the detailed data required to be submitted by respondents regarding carrier-affiliate financial and operating relationships and transactions shall include, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1963, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplied to respondent.

3. Basis of charges for property or services supplied by affiliate to respond-

ent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during year 1963 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1963.

6. A copy of the income statements of each affiliate for the year 1963 and the latest period of 1964 for which an income statement is available.

7. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1963 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for, as well as the motor carriers used in, such cost and traffic studies shall be shown to be representative and their selection statistically sound;

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

It is further ordered, That the detailed information called for by this order with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before October 19, 1964;

It is further ordered, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before October 19, 1964, their direct evidence in the form of verified statements (with exhibits and appendices, if any); and that they also, at the same time, shall file the original (with affidavits and signatures in ink) and two copies with this Commission, together with certificates of service in accordance with rules 1.22(a) of the General Rules of Practice;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before November 16, 1964, their evidence in the form of verified statements (with exhibits and appendices, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the filing and service of statements;

(3) This proceeding be, and it is hereby, referred to Examiner H. C. Lawton for hearing on November 30, 1964, 9:30 o'clock a.m. U.S. standard time at the Hotel Essex, Boston, Mass., for the purpose of cross-examination and the introduction of rebuttal evidence, and to permit the examiner to close the record; and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice, in writing, of such request to affiant and his counsel, if any, on or before November 23, 1964, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (with exhibits and appendices, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with exhibits and appendices, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before October 1, 1964. Attached hereto is a list of the presently known parties of record.

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written requests to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 3d day of August, A.D., 1964.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY,
Secretary.

SERVICE LIST SHOWING PARTIES OF RECORD AS OF AUGUST 3, 1964

RESPONDENT

Herman Matthei, The New England Motor Rate Bureau, Inc., 125 Lincoln Street, Boston, Mass., 02111.

PROTESTANTS

T. J. Townsend, Joy Manufacturing Co., Claremont, N.H.
John B. Hedges, Post Office Box 118, West Hartford, Conn., 06107 (for the New England Industrial Traffic League, Inc.).
John D. Murphy, The Wiremold Co., Hartford, Conn.
John M. Cleary, Pope, Ballard & Loos, Attorneys, Brawner Building, 888 17th Street NW., Washington, D.C., 20006.
Ronald Kennedy, The Shippers Conference of Greater New York, Room 1548, 111 Eighth Avenue, New York, N.Y., 10011.
John F. Bohman, Attorney, 335 East Broadway, Gardner, Mass. (for American Gear Manufacturers Association, et al.).
Raynard F. Bohman, Jr., 335 East Broadway, Gardner, Mass. (practitioner for National Furniture Traffic Conference, Inc., et al.).
John J. C. Martin, American Home Products Corp., 685 Third Avenue, New York 17, N.Y. (for National Small Shipments Traffic Conference, etc.).
E. P. Hoyes, Witco Chemical Co., Inc., Post Office Box 305, Paramus, N.J., 07652.
John V. Hoey, Jr., National Textile Traffic Bureau, Inc., 366 Fifth Avenue, New York, N.Y.
Frank W. Schneider, Holyoke Chamber of Commerce, 300 High Street, Holyoke, Mass.
T. A. Dooley, The Stanley Works, New Britain, Conn.
G. J. Maloney, c/o Gering Plastics Co., 200 North Seventh Street, Kenilworth, N.J., 07033.
John B. Hedges, Manufacturers Association of Connecticut, Inc., 928 Farmington Avenue, West Hartford, Conn.
Francis J. Cincotta, New England Paper & Pulp Traffic Association, 38 Chauncy Street, Boston 11, Mass.
A. T. Easley, New Hampshire Manufacturers' Association, 130 Middle Street, Manchester, N.H.
Exeter Manufacturing Co., Exeter, N.H.

[F.R. Doc. 64-8364; Filed, Aug. 19, 1964; 8:45 a.m.]

[No. MC–C–4520]

MOTOR CONTRACT CARRIER OPERATIONS

Petition for Rulemaking Proceedings

AUGUST 14, 1964.

Petition for Rulemaking under provisions of Rule 1.44; Motor contract carrier operations, Definition and Conversions:

Petitioner: Contract Carrier Conference of American Trucking Associations, Inc.; petitioner's attorneys: Clarence D. Todd and Eugene M. Malkin, 1825 Jefferson Place NW., Washington, D.C., 20036.

By petition filed July 24, 1964, petitioner requests institution of a Rulemaking proceeding to consider, adopt, and promulgate rules and regulations relative to the definition and conversion of Motor Contract Carrier Operations.

Petitioner asks consideration and adoption of the rules contained in the Appendix below.

In conclusion, petitioner requests the Commission issue regulatory guidelines and policy statements which will eliminate the growing uncertainty as to (1) the purported existence of a fixed limit on the number of persons that may be served by a contract carrier, (2) the type of circumstances under which a contract carrier is free to serve additional shippers within particular industries or within a class, (3) the conclusiveness of contracts which are officially noticed without the involved carrier's knowledge and acquiescence, and (4) the evidence and principles applicable in ensuing section 207 conversion cases.

Any interested person wishing to make representations in favor of or against the petition, may do so by the submission of written data, views, or arguments. An original and 20 copies of such data, views, or arguments shall be filed with the Commission on or before September 21, 1964.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX

(A) Determination of Limited Number, (1) For the purposes of determining whether a contract carrier is serving or will be in a position to serve more than a "limited number of persons" under section 203(a)(15) of the Act, the Commission shall consider the following:

(a) The number of persons actually served as the date that the carrier's status was confirmed as a contract carrier under section 212(c) of the Act, or the number of persons actually served as of the date the last permit was issued, whichever event occurs later.

(b) The number of persons that are actually being served as of the date of the hearing and the number of persons that applicant will be in a position to serve if the authority is granted.

(c) The performance of specialized service to a distinct class or classes of shippers, or an individual and highly specialized service for each of several shippers.

(d) The number of separate categories of commodities authorized by the permits, and the territorial scope of the authority.

(e) The extent to which the authority held by applicant is restricted to service on behalf of a named shipper or class of shippers.

(B) Proof in Conversion Cases, (1) Applications for authority as a common carrier in lieu of presently held contract carrier authority filed under section 207 of the Act shall be granted upon proof of public convenience and necessity in an appropriate proceeding in which the Commission shall consider, among other factors, the following:

(a) The extent of operations conducted by applicant for a period of six months prior to the filing of the application, that are corroborated by a properly documented abstract of shipments.

(b) Whether or not present contracting shippers have consented to the discontinuance of applicant's contract carrier services, and the extent to which the common carrier services of applicant would be utilized.

(c) The benefits to the public resulting from a conversion of applicant's authority, and the effect thereof upon existing services.

[F.R. Doc. 64–8365; Filed, Aug. 19, 1964; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39196: *Iron or steel articles to Pascagoula, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2734), for interested rail carriers. Rates on iron or steel articles, viz: Plate or sheet, noibn, galvanized or plain, corrugated or not corrugated; also strip steel, noibn, in carloads, from Canton, Cleveland, Massillon, and Warren, Ohio, also Butler, Pa., to Pascagoula, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–428.

FSA No. 39197: *Liquefied chlorine gas to Hattiesburg, Miss.* Filed by O. W. South, Jr., agent (No. A4551), for and on behalf of Illinois Central Railroad Company. Rates on liquefied chlorine gas, in tank-car loads, from Memphis, Tenn., to Hattiesburg, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 185 to Southern Freight Association, agent, tariff I.C.C. S–116.

FSA No. 39198: *Liquefied chlorine gas to Cantonment, Fla.* Filed by O. W. South, Jr., agent (No. A4552), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Calvert, Ky., to Cantonment, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 185 to Southern Freight Association, agent, tariff I.C.C. S–116.

FSA No. 39199: *Paper bags from Salt Lake City, Utah.* Filed by Western Trunk Line Committee, agent (No. A2370), for interested rail carriers. Rates on paper bags, in carloads, from Salt Lake City, Utah, to points in western trunk-line territory, also Colorado and Wyoming.

Grounds for relief: Market competition.

Tariffs: Supplement 5 to Western Trunk Line Committee, agent, tariff I.C.C. A–4530 and supplement 21 to Colorado-Utah-Wyoming Committee, agent, tariff I.C.C. 27.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–8431; Filed, Aug. 19, 1964; 8:48 a.m.]

[Notice 1032]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66813. By order August 12, 1964, the Transfer Board approved the transfer to Jung Transportation Co., Inc., Milwaukee, Wis. of the operating rights in Certificate in No. MC 123040, issued December 13, 1960, to Anton Jung, doing business as Jung Transportation Co., Milwaukee, Wis., over irregular routes, of fruits, vegetables and such merchandise as is dealt in by wholesale grocery houses and in connection therewith equipment, materials, and supplies, used in the conduct of such business, from Chicago, Ill., to Fond du Lac and Oshkosh, Wis., and beer from Chicago, Ill., to Fond du Lac, Wis. George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641, representative for applicants.

No. MC–FC 67150. By order of August 13, 1964, the Transfer Board approved the transfer to Columbia Transportation Co., a Corporation, Portland, Maine of Permit No. MC 16961, issued February 4, 1963 to Robinson Freight Line, Inc., Middleton, Mass., authorizing the transportation over irregular routes of canned goods, from points in that part of Maine west of a line beginning at Canaan, and extending south through Damariscotta, to the Atlantic Ocean, and on and south of U.S. Highway 2, including the points named, to Somerville and Boston, Mass.; apples, in containers, from points in New Hampshire on and south of New Hampshire Highway 11, and those in Maine specified above, to Somerville and Boston, Mass.; such mer-

chandise as is dealt in by wholesale, retail and chain grocery and food business houses, from Somerville, Boston, and Everett, Mass., to points in Vermont, New Hampshire, and Maine; empty containers, salvage, returned or rejected merchandise, order forms, company records, and advertising matter, from points in Maine, New Hampshire, and Vermont to Boston, Cambridge, and Somerville, Mass.; and sweeping compounds, from Winchester, N.H., to Somerville, Mass.

Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-8432, Filed, Aug. 19, 1964; 8:48 a.m.]

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